

bill (H. R. 14070); to the Committee on Interstate and Foreign Commerce.

8123. Also, petition of the General Federation of Women's Clubs, favoring the passage of House bill 7729 as amended by the Senate; to the Committee on Labor.

8124. Also, petition of E. F. Drew & Co. (Inc.), New York City, opposing the passage of the Haugen bill (H. R. 10958); to the Committee on Agriculture.

8125. By Mr. QUAYLE: Petition of Medical Society of the County of Kings, protesting against the passage of the Newton bill (H. R. 14070); to the Committee on Interstate and Foreign Commerce.

8126. Also, petition of the Maritime Association of the Port of New York, favoring amendments to the laws through which to clothe the courts with power adequately to punish all parties found guilty of the charge of theft and pilferage; to the Committee on the Judiciary.

8127. Also, petition adopted by the board of directors of the Maritime Association of New York, protesting against the refusal of the United States Shipping Board to pay brokerage commission on coal fixtures; to the Committee on the Merchant Marine and Fisheries.

8128. Also, petition by the General Federation of Women's Clubs, in favor of the convict labor bill (H. R. 7729), as amended by the Senate; to the Committee on Labor.

8129. Also, petition of the Nevada Central Railroad Co. of New York, in favor of the passage of Senate bill 3623; to the Committee on Interstate and Foreign Commerce.

8130. Also, petition of the Illinois Valley Protective Association, Peoria, Ill., urging the passing of Senate bill 4689 and House bill 14116; to the Committee on Agriculture.

8131. Also, petition of J. G. Phelps Stokes, of New York City, urging the passage of Senate bill 3623; to the Committee on Interstate and Foreign Commerce.

8132. Also, petition of Ed S. Vail Butterine Co., of Chicago, Ill., opposing the passage of the Haugen bill (H. R. 10958) to amend the definition of oleomargarine; to the Committee on Agriculture.

8133. By Mr. TILSON: Resolution favoring an immediate revision of the tariff law of 1922, adopted by group of several hundred business men, representing all branches of business and all sections of Connecticut, at Hartford, on December 27, 1928, as arranged by the Connecticut Chamber of Commerce; to the Committee on Ways and Means.

8134. By Mr. TINKHAM: Resolutions adopted by the St. Brendan Society at the December meeting on the racial origins clause of the immigration law; to the Committee on Immigration and Naturalization.

SENATE

FRIDAY, January 4, 1929

(Legislative day of Thursday, January 3, 1929)

The Senate met in open executive session at 12 o'clock meridian, on the expiration of the recess.

PROPOSED COMMISSION ON PROHIBITION ENFORCEMENT

Mr. EDGE. Mr. President, as in legislative session, I ask unanimous consent to present a proposed amendment to Senate Resolution 287, introduced by the Senator from Washington [Mr. JONES], with a request that it be referred to the Committee on the Judiciary. I ask that the clerk may read the proposed substitute.

The VICE PRESIDENT. The clerk will read, as requested. The Chief Clerk read as follows:

Amendment in the nature of a substitute intended to be proposed by Mr. EDGE to Senate Resolution 287, viz: Substitute for the resolution the following:

Joint resolution creating a commission to investigate the operation and enforcement of the eighteenth amendment to the Constitution and the national prohibition act

Resolved, etc., That on and after April 1, 1929, the President of the United States is authorized to appoint a special commission of nine citizens to investigate the operation and enforcement of the eighteenth amendment of the Constitution of the United States and the national prohibition act and all laws supplementary thereto. The commission is authorized and directed to organize and make a searching investigation of the system and methods of the enforcement of said amendment and laws and of the facts relating to and the causes responsible for the admitted general violations of such laws; to determine the best means and methods for correcting the situation with respect to prohibition; and to submit its report, with any recommendations desired, to the President at as early a date as practicable, but in no case later than January 1, 1930.

SEC. 2. The commission is authorized to employ and fix the compensation of such experts and clerical help, and to make such expenditures (including expenditures for personal services at the seat of government and elsewhere) as may be necessary for the purposes of this resolution. For the purposes of this resolution there is authorized to be appropriated the sum of \$50,000 to be expended by the commission and to remain available until expended. All expenditures of the commission shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chairman. For the purposes of this resolution the commission or any member thereof is authorized to hold hearings, administer oaths, examine witnesses, and issue subpoenas for the attendance and testimony of witnesses or the production of books, papers, documents, or other evidence, or the taking of depositions before any designated individual competent to administer oaths. All governmental establishments in the executive branch of the Government are directed to furnish the commission with such available information and data as the commission may request and to otherwise cooperate with the commission.

The VICE PRESIDENT. The proposed amendment will be referred to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

As in legislative session,

Mr. WALSH of Massachusetts presented petitions numerously signed by sundry citizens of Pittsfield, Mass., praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. SHEPPARD presented the petition of Rev. James H. Tate and sundry other citizens of Fluvanna, Tex., praying that the preamble of the Constitution be amended by including therein the words "devoutly recognizing the authority and law of Jesus Christ, the Savior and King of Nations," which was referred to the Committee on the Judiciary.

Mr. SHIPSTEAD presented a petition of sundry citizens of New Ulm, Minn., praying for the adoption of Senate Resolution 242, providing for an inquiry as to the appropriateness of amending article 231 of the treaty of Versailles for the purpose of establishing the World War guilt, which was referred to the Committee on Foreign Relations.

Mr. EDGE presented a communication from Mary Patterson Shelton, president of the Leonia (N. J.) Women's Republican Club, transmitting resolutions adopted by that club favoring the policy of immigration restriction, the maintenance of the national-origins quota system, and adequate measures for the national defense, which was referred to the Committee on Immigration.

CONSTRUCTION OF CRUISERS

Mr. DENEEN. I present resolutions adopted by the Chicago Association of Commerce, in favor of the passage of House bill 11526, to authorize the construction of 15 light cruisers and 1 airplane carrier. I ask that the resolutions may be printed in the RECORD and lie on the table.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

THE CHICAGO ASSOCIATION OF COMMERCE.

OFFICE OF THE PRESIDENT,

December 18, 1928.

HON. CHARLES S. DENEEN,

United States Senate, Washington, D. C.

DEAR SENATOR DENEEN: I am requested by the executive committee of the Chicago Association of Commerce to invite your attention to the following resolution adopted Friday, December 14, 1928:

"Whereas the President of the United States in his message to Congress has called attention to the deficiency of the Navy in the matter of cruisers, and has recommended the passage of legislation designed to correct that deficiency; and

"Whereas there is pending in the Senate a bill, H. R. 11526, which has passed the House of Representatives, to authorize the construction of 15 light cruisers and 1 airplane carrier, which measure it is understood has the support of the administration: Therefore be it

Resolved, That the Chicago Association of Commerce approve, endorse, and recommend the early enactment of this bill; and be it further

Resolved, That the president of the association be authorized and requested to transmit copies of this resolution to the President of the United States, the Secretary of the Navy, and the members of the Illinois congressional delegation."

Thanking you for giving this matter consideration, and with the compliments of the season,

Very sincerely yours,

WM. R. DAWES, President.

GEORGE ROGERS CLARK

Mr. DENEEN. Mr. President, I offer an address by Mrs. Henry W. English, of Jacksonville, Ill., upon George Rogers

Clark. The anniversary of his capture of Vincennes will be celebrated on the coming February 25, 1929.

Mrs. English is past State librarian of the Illinois Daughters of the American Revolution. At present she is State registrar of the Illinois State Daughters of American Colonists. She is a prominent member of the United States Daughters of 1812 and director and treasurer of the Morgan County (Ill.) Historical Society.

I ask that this address by Mrs. English be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

PLEADS FOR FORGOTTEN GEORGE ROGERS CLARK—MRS. HENRY W. ENGLISH, STATE LIBRARIAN OF THE ILLINOIS DAUGHTERS OF AMERICAN REVOLUTION, GIVES INTERESTING ACCOUNT OF NATION'S MOST NEGLECTED HERO, WHOSE SESQUICENTENNIAL OF TAKING OF KASKASKIA WILL BE OBSERVED NEXT YEAR

George Rogers Clark (like his great contemporary of the Revolution) was a surveyor.

The site of George Rogers Clark's rendezvous has disappeared unmarked in the Ohio River.

His home at Clarksville was only recently indicated to the traveler. His memorials in Illinois were negligible until the erection of his statue at Quincy. Even in Vincennes there is nothing save a slight tablet reciting the fact "This was the site of Fort Sackville, captured from the British by George Rogers Clark, February 25, 1779." In this one hundred and fiftieth anniversary of the Revolution in the West, we hope to erect appropriate memorials and to educate the people about the beginning of the United States as an independent nation in the regions west of the Allegheny Mountains. At Louisville there is a movement under way to erect a lighthouse, if not on the site of Corn Island, at the entrance to the harbor in Randolph and St. Clair Counties; an organization has been incorporated for the celebration of the one hundred and fiftieth anniversary of Clark's capture of Kaskaskia. Indiana's General Assembly has imposed a tax levy which will produce something over \$400,000 for the purchase of grounds near Vincennes for a park and a memorial which will tell the future generations the story of perhaps the most "heroic man" and exploit in American history. So in the future we hope to see a beautiful hall of history, a lovely park, and an exquisite old cathedral in the background overlooking the majestic Wabash and the memorial bridge connecting the Illinois country through which the intrepid Clark made his incredible march, with the Indiana country, in which he captured the British fort, holding the Northwest territory.

This bridge will be a national shrine to perpetuate the memory of George Rogers Clark, the pioneer and the spirit of the Revolution in the West.

One by one the roses of historical narrative fade and fall; now even the thrilling story of Clark's capture of Kaskaskia is shattered—for we have two written accounts of the event coming from his own pen. His letter to George Mason, written soon afterwards, and his letter to Congressman Brown, the so-called "memoir" dated in the nineties, this was suggested by Thomas Jefferson—neither mentions a ball. One refers to a noise earlier in the evening which it was thought came from a dance in the negro quarters.

Both give the picture of a little village with no garrison and a commandant who was merely a frontier agent of the English Government.

Clark says that he broke into the fort, and later refers to the commandant, Rocheblaire, having retired for the night. The first mention of an officers' ball where the mirth-loving Creoles were dancing was found years after in the editorial introduction of Major Denning's journal. It was adopted by Theodore Roosevelt and given with imaginative embellishments in his *Winning of the West*. It has passed into tradition and is repeated everywhere without a shadow of contemporary evidence to support it.

I do not see how anyone can read the material now available without recognizing that in the expedition of George Rogers Clark in the Revolutionary struggle in the West, Kentucky, Indiana, and Illinois possess an historical legacy which is among their greatest assets. It reveals plainly the figure of the great leader who, especially in his march from Kaskaskia to Vincennes and in his capture of Fort Sackville with the garrison and the British commander of the Northwest, he rose to heights of military genius and fortitude not often equaled in human history.

That any man with a handful of followers should have established himself at Kaskaskia, in the midst of a large number of hostile Indian tribes, should have gained such a hold upon the French population as to draw 75 or more of its men to accompany him upon a march which they all believed impossible, and that a band of men could be inspired to persist in going through 250 miles and more of impassable country to Vincennes, armed only with rifles, should capture a well-built fortification defended by artillery, and that all this could be done without the loss of a single man, seems, indeed, incredible if not miraculous.

His story can not be too often told in the words of William Dudley Foulke. It would form the theme of a greater epic than Homer wrote about the wrath of Achilles and the fall of Troy. It surpasses the adventures of Aeneas, the Trojan pioneer who settled Italy. It has all the length and depth of Dantes Divine Comedy. It might be well to picture the situation that Clark found west of the Allegheny Mountains and which existed till 1777-78. Some hundreds of pioneers had crossed the Allegheny Mountains and established a few posts in Kentucky. Their little farms were clustered in clearings around primitive block houses. No Indians lived in Kentucky, but the country north of the Ohio, then a part of the Province of Quebec, there lived numerous warlike tribes, who were predisposed to destroy the white intruders, and they were supported by the British posts in Detroit as they too, hoped to destroy all whites in the West. On keeping the West open to the people of the original States hinged the future of the new Republic and perhaps the fate of all North America.

In 1777 a young man in Kentucky was pondering over this situation. George Rogers Clark was then only 24 years of age. He had, however, already risen to leadership in this "dark and bloody ground." Born of a vigorous stock in a family of good position, all his five brothers were officers in the revolutionary armies save William, who was too young. William was destined to become one of the most prominent men in the West; he was chosen with his cousin Merriwether Lewis to explore the Louisiana Purchase.

In 1772 George Rogers Clark crossed the Allegheny Mountains as a surveyor, identified his fortunes with the West. He took part in Lord Dunmore's war, in which he became one of the vouchers for the authenticity of the eloquent speech of Logan Mingo, Indian chief. He settled in Kentucky in 1775, as a deputy surveyor for the Ohio Co. While surveying and taking up land for himself he rapidly rose to leadership among such men as Harrod Henderson, Todd Kenton, Boone, and the Logans. It was Clark who organized the frontier government, went to Williamsburg and forced the Virginia Assembly to make Kentucky a separate county and to assume responsibility for its defense. Returning he took command of the military defense of Kentucky. His quick grasp of the whole situation, political and military, and his physical prowess and commanding bearing, his magnetic personality put him at 24 at the head of the embryonic Commonwealth. He became the father of the future State of Kentucky.

This masterful frontiersman, busy with the defense of the forts, the procuring of provisions, when possible, nursing the sick, dressing the wounded, burying the dead, reflected as he said "on things in general, Kentucky and the interests of the United States." This led him to lay aside every private interest and engage seriously in the war until the fate of the continent should be known.

Then almost as if by inspiration came the plan for the defense of Kentucky by the reduction of the towns of the Illinois and the Wabash, which would open a field for further actions.

Herein Clark displayed military genius of the first order, his grasp of the situation confronting him places him side by side with Nathaniel Green in his southern campaign and George Washington in his Yorktown campaign as one of the three leading military strategists in the Revolutionary War. It is possible, as Doctor Alvord suggests, that as commander of the Kentucky forces Clark may have learned that Kaskaskia would be an easy conquest and that there were those there who would help him, but this is a tribute to his command of all the elements of the situation, rather than a detractor from the originality of his conception.

Kaskaskia and Vincennes in American hands would be the surest means, if not the only means, of preventing the destruction of Kentucky, and might well be the means of wresting the country northwest of the Ohio from the British.

It was a brilliant plan, but more wonderful than the plan were the energy and skill with which it was executed. Clark had first to secure authorization from Virginia and men and supplies for the expedition. Only by hastening to Williamsburg, itself a dangerous journey, and by demonstration and persistence, which brooked no gainsaying, and with the help of Thomas Jefferson, George Mason, and George Wythe, his life-long friends, did he finally persuade Gov. Patrick Henry and the Virginia Assembly to grant him the necessary powers and a meager supply of military stores. At that it was with only about 150 men instead of the 500 men that he thought necessary that Clark came down the Ohio River and on Corn Island, near the Falls of the Ohio, prepared for his hazardous undertaking. So daring was the enterprise, so necessary was it to take the enemy by surprise that the governor issued to Clark two sets of instructions, one public, authorizing the raising a force for the protection of the Kentucky frontier; the other secret, authorizing an expedition into the Northwest. When he revealed his true destination the greater part of one company deserted, and that number of the Army was barely brought up to 180 by recruits from the Kentucky forts.

"I knew," wrote Clark, "that our case was desperate, but the more I reflected on our weakness, the more pleased I was with the enterprise." Theodore Roosevelt in his *Winning of the West*, says that not another in the Revolution could have succeeded in the enterprise.

It was reserved for the far-seeing eye of Col. George Rogers Clark, then in the vigor of early manhood, to discover the situation of affairs, and for his sagacity and valor to apply the remedy. He had made

himself familiar with the relations and conditions and resources of the West.

With that intuitive genius which stamps him as the most brilliant commander of all those who obtained distinction in border warfare, "he was quick to perceive the policy required which was: to transfer the line of defense and the battle field from the settlements in Kentucky County to the territory which formed the enemies' base of supplies. To arouse sentiments of friendship among, or at least conciliate the opposition of the French inhabitants of the Northwest, and to neutralize the hostility of the savages if possible by demonstrating to them the justice of the American cause, and to accomplish what in every war is considered one of the greatest strategic successes—to turn the enemy's guns against himself."

To make what actually took place at all credible, one must constantly envisage a leadership which inspired men to do the impossible. The best description of Clark by a contemporary is given by Governor Reynolds of Illinois. "Colonel Clark himself was nature's favorite in his person as well as his mind. He was large and athletic, capable of enduring much, yet formed with such noble symmetry and manly beauty, that he combined much grace and elegance together with great firmness of character. He was grave and dignified in his deportment, agreeable and affable with his soldiers when relaxed from duty, but in a crisis when the fate of a campaign was at stake or the lives of his brave warriors were in danger, he became stern and severe. His appearance in these perils indicated without language to his men that every soldier must do his duty."

This stern yet affectionate leader started in June, 1778, to conquer the Illinois country and faced the effort with less than 180 in the face of thousands of hostile Indians and a strong, well-equipped British force. Clark left a few men and women who had accompanied the force to the falls to plant a crop and raise food on the Kentucky side of the river—this was the beginning of the city of Louisville. Then the little army rowed with double manned oars through the rapids and down the river to old Fort Massac. Thence with marvelous speed threaded the trails through swamps and wilderness for eight days to Kaskaskia; fortunately before leaving the falls Clark had received the information of the terms of the recent treaty of alliance between the United States and France. For to the French villages on the Mississippi and the Wabash France was still the fatherland. So Clark approached them, perhaps, at first as an unknown terror, but essentially as a deliverer from the military rule of their own country's enemy. The British garrison had been withdrawn from Kaskaskia and the occupation of the post was effected in the night of July 4 without fighting and without bloodshed. Though lacking in dramatic quality it was nevertheless managed with great skill and effectiveness. The British agent was captured in his bedroom peacefully sleeping, and within the next few days Cahokia and the other French settlements nearly all were occupied without resistance. Through the mission of Laffong and Father Gibault, friends of Clark, Vincennes, 200 miles away on the Wabash, acclaimed itself American and Clark stationed Captain Helms as his representative. In fact, Clark's little force was engulfed in meeting Indian tribes which at the least mischance would utterly overwhelm it. In his dealing with them he showed himself a past master of diplomacy and personal power unsurpassed in the annals of our history. He met truculence and stealth with courage and a bold front which his position far from justified.

He thwarted an attempted surprise to murder him, established himself at Kaskaskia, and after he had sufficiently wrought upon the people's fears he resolved to try the effect of lenity. After they had begged for their lives and homes, he abruptly said: "What! Do you mistake us for savages? Do you think Americans will strip women and children and take the bread out of their mouths? My countrymen disdain to make war upon helpless innocence. It was to protect our own wives and children that we penetrated into the wilderness and subjugated this stronghold of British and Indian barbarity and not the despicable object of plunder. We do not war against Frenchmen; the King of France, your former ruler, is the ally of the colonies; his fleets and armies are fighting our battles; the war must shortly terminate. Embrace whichever side you deem best and enjoy your religion, for American law respects the believers of every creed, protects them in their right. Now, to convince you of my sincerity, go and inform the inhabitants that they can dismiss their fears concerning their property and their families, that they can conduct themselves as usual, and that their friends who are in confinement shall immediately be released." Imagine the revulsion of feeling and the effect of such a speech by a conquering hero. They were frantic with joy and eternally his friends. Great were trials and complications of his position, yet he managed all with consummate tact and greatest address. He instructed his men to create the impression that the headquarters of his army were at the Falls on the Ohio, and that reinforcements were daily expected. Upon their arrival military operations would be resumed on an extended scale. This artifice enabled him to counteract the extensive influence of his powerful adversaries and to triumph over their superior strength. He never resorted to artifice or punishment except when driven to them by necessity. Many times rigor and harshness were kept up only to enhance the favors which his magnanimity and kindness of disposition inclined him to grant.

Clark, unlike the English, only granted the Indians presents reluctantly, fought with them only until they were compelled to seek refuge in treaties, as a means of self-preservation. He studiously avoided making the first advances. At a council of the Indians Clark was present (September 1 at Cahokia) sitting at a table, one of the chiefs approached him bearing three bells, one emblematic of peace, the second contained the sacred pipe, and the third the fire to light it. The pipe was lighted, presented to the heavens, then to the earth, then in a big circle it was offered to all the spirits to invoke them to witness the proceedings, and finally to Colonel Clark and then other members of the council. Then the chief arose and spoke in favor of peace, after which he threw down the bloody belt and flag, which had been given to him by the English, stamped upon them as evidence of their rejection. Clark coldly replied that he would consider what he had heard and give them an answer the next day. Clark warned the chiefs not to allow their men to shake hands with the white people, as peace had not been concluded, saying it would be time to give the hand when the heart could also be given with it. This pleased the chiefs, who remarked that such sentiments showed men who did not speak with a forked tongue. They adjourned till the next day. Then they reassembled and Clark thus addressed them: "Men and warriors, pay attention to my words. You informed me yesterday that you hoped the Great Spirit had brought us together for good. I have the same hope, and trust that each party will strictly adhere to whatever is agreed upon, whether it be peace or war. I am a man and a warrior, not a councilor. I carry war in my right hand, peace in my left."

"I am sent by the Great Council of the 'Long Knives' and their friends to take possession of all the towns occupied by the English in this country and to watch the red people, to bloody the paths of those who attempt to stop the course of the rivers, and to clear the roads for those who desire to be in peace. I am ordered to call upon the Great Fire for warriors enough to darken the land, that the red people may hear no sound but of birds which live upon blood. I know that there is a mist before your eyes. I will dispel the clouds that you may see clearly the causes of the war between the 'Long Knives' and the English, then you may judge which party is in the right; and if you are warriors, as you profess, prove it by adhering faithfully to the party which you shall believe to be entitled to your friendship."

He carefully explained the war, the causes and effects of war existing between the English and the colonies. Then concluded: "The whole land was dark, the old men bowed down their head in shame because they could not see the sun, and thus there was mourning for many years over the land. At last the Great Spirit took pity on us and kindled a great council fire at Philadelphia, planted a post, put a tomahawk by it, and went away. The sun immediately broke out, the sky was blue again, and the old men held up their heads and assembled at the fire. They took up the hatchet and sharpened it and immediately put it in the hands of our young men, ordering them to strike the English as long as they could find one on this side of the Great Water. The young men immediately struck the war post and blood was shed. In this way the war began and the English were driven from one place to another until they got weak and then hired the red people to fight for them. The Great Spirit got angry at this and caused your old father, the French King, and other great nations to join the 'Long Knives' and fight with them all their enemies."

"So the English have become like the deer in the woods, and you can see that it was the Great Spirit that troubled your waters because you fought for the people with whom he was displeased. You can now judge who is in the right. I have already told you who I am. Here is a bloody belt and a peace belt; take which you please, behave like men, and do not let your being surrounded by 'Long Knives' cause you to take up one belt with your hands while your hearts take up the other. If you take the bloody belt, you can go in safety and join your friends, the English. We will then try like warriors who can stain our clothes the longest with blood. If, on the other hand, you take the path of peace and are received as brothers by the 'Long Knives,' and then listen to bad birds that are flying through the land, you can not longer be considered men but creatures with two tongues which ought to be destroyed. As I am convinced you never heard the truth before, I do not wish you to answer before you have taken time for consideration. We will therefore part this evening, and when the Great Spirit shall bring us together again let us speak and think as men with but one heart and tongue."

The following day the council fire was kindled with more than ordinary ceremony, and the chiefs assured Clark that the Great Spirit had opened their ears and hearts to receive the truth and they believed he told them the truth, that he did not speak like other men, and that the old Indians were right when they said the English spoke with double tongues. We will take the belt of peace, cast down the bloody belt of war, call our warriors home, throw the tomahawk in the river, and smooth the roads for your brothers.

The pipe was again lighted and the spirits called upon as witnesses and the council concluded. In this manner treaties or alliances were formed with other tribes and in a short time Clark's power was so well established that a single soldier could be sent in safety as far north as the headwaters of the streams emptying in the lakes.

In the vicinity of the lakes the British held and retained their influence. From henceforth his name was one to conjure with among the Indians and they could not be induced to attack a post which he commanded, and when he took the field the numbers of his soldiers was by this means multiplied tenfold. His enduring moral ascendancy over the Indians became one of the greatest forces in revolution in the West.

Clark sent various expeditions into the Indian country, one as far as the site of the present city of Rock Island, Ill., the remotest point reached by his men in the Northwest. His fame and the terror of his name spread beyond the British posts of Detroit and Michilimachinac.

The climax of the war in the West came the next winter. Colonel Hamilton, called by Clark the "Hair-buyer General," the British commander of the West, and called the "Inspiration" of the bloody Indian raids, started in October, 1778, from Detroit and proceeded slowly down the Wabash with a small army of British regulars from the King's own regiment and a host of Indians. In December he occupied Vincennes in force and rebuilt and fortified old Fort Sackville and then waited for the spring to recover the French villages on the Mississippi.

Clark's doom would have been sealed had he not risen to heights of daring and leadership which placed his name among the immortals. Clark, in view of the critical condition of the country and the extreme peril of his own situation, wrote to Gov. Patrick Henry, acquainted him with Colonel Hamilton's designs, as he had learned them from Colonel Vigo.

Parties of hostile Indians sent out by the British began to appear. Assistance from Virginia could not be obtained in time, so with the promptness which the emergency demanded, Clark resolved to help himself. Anticipating the arrival of his enemies, he commenced preparations with his own limited means to carry the war into the enemy's country, for, as he said, "I knew if I did not take him, he would take me." Vigo had told Clark that the force at the garrison numbered 80 men, 3 cannons, and some swivels, and that if Clark could attack the fort before the troops could be recalled he might recapture it. Without a moment's delay a galley was fitted out with two 4-pounders and four swivels and placed in charge of Capt. John Rogers and 46 men, with orders to reach the Wabash and force their way up the stream to the mouth of the White River, there remain until further instructions were given. His next move was to order Captain Bowman to evacuate the fort at Cahokia for the purpose of organizing a force for the expedition to proceed across by land to cooperate with the force under Captain Rogers. The French raised two companies commanded by Captains McCarty and Charleville, which, with the Americans, amounted to barely 170. On the 7th of February, only eight days after he received the news from Vincennes, this forlorn hope started to march. Many of Clark's men had returned to Virginia and to Kentucky, but with the remainder and about an equal number of Creoles, whose allegiance and devotion he had won, he immediately determined to again seize the offensive and attack Vincennes, now the pivotal point of the whole west. The boat, the *Willing*, which he sent to row up the Wabash and join in the attack on Fort Sackville, did not arrive till the fighting was over. With 180 men on February 5, 1779, he started across the prairies of southern Illinois, drenched by the rains of an unusually wet winter; they had no tents nor any shelter, but slept out in the open through the winter nights.

The officers were mounted until the going was too difficult for the horses and they had to be left behind. Most of the time they did not dare to light fires for fear of Indian attacks. Then on the 13th they came to the Little Wabash. They saw before them a vast expanse of water, such as needs no description to those who are familiar with the Wabash Valley in high flood. Then for days they went through water and ice, which not infrequently came up to their shoulders. Over the muddy prairies they had made the amazing average of 28 miles a day for 6 days, but to cross the 4 rivers and the remaining 63 miles to Vincennes took them 10 days. The last two days even the strongest men began to fail. That any man after such previous hardship could wade for hours through water up to his neck, breaking the ice before him with his sword, passes belief, yet Clark did this and brought every man he started with to the attack upon the fort.

Clark's account of his last day's desperate march through the icy water to Vincennes, February 25, 1779:

"The nearest land to us in the direction of Vincennes was a spot called 'Sugar Camp' on the opposite side of the slough. I sounded the water, finding it deep as my neck; returned with the design of having the men transported on board canoes to the camp, though I knew it would spend the whole day and coming night, as the vessels would pass slowly through the bushes. The loss of so much time to men half starved was a matter of serious consequence, and I now would have given a great deal for a day's provisions or one of our horses. When I returned all ran to hear the report. I unfortunately spoke in a serious manner to one of the officers. The whole were alarmed without knowing what I said. I viewed their confusion for a moment, whispered to those near me to do as I did. I immediately put some water in my hand, poured powder on it, blackened my face, gave the war whoop, and marched into the stream. The party immediately fol-

lowed without uttering a word of complaint. I ordered those near me to sing a favorite song, which soon passed through the line, and all went cheerfully.

"I now intended to have them transported across the deepest part of the water, but when about waist deep one of the men informed me he thought he had discovered a path. We followed it and finding it kept on higher ground, without further difficulty we arrived at the camp where there was dry ground on which to pitch our lodges. The French we had taken on the river appeared uneasy at our situation and begged that they might be permitted during the night to visit the town in two canoes and to bring their horse provisions. They said that some of our men could go with them as a surety for their conduct, and that it would be impossible to leave this place till the waters, which were too deep for marching, subsided. Some of the officers believed this might be done, but I would not suffer it. I could never well account for my obstinacy on this occasion or give satisfactory reasons to myself or anybody else why I denied a proposition apparently so easy to execute and of so much advantage, but something seemed to tell me it should not be done. On the following morning, the finest we had experienced, I harangued the men. What I said I am not now able to recall, but it may be easily imagined by a person who possesses the regard which I at that time entertained for them. I concluded by informing them that, passing the sheet of water, which was then in full view, and reaching the opposite woods would put an end to their hardships, that in a few hours they would have a sight of their long-wished-for object, and I immediately stepped into the water without waiting for a reply. Before the third of the men had entered I halted and called to Major Bowman and ordered him to fall into the rear with 25 men and put to death any man who refused to march with us, as we did not wish to have any such with us. The whole gave a cry of approbation, and on we went. This was the most trying of the difficulties we experienced. I generally keep 15 of the strongest men next to myself and judged from my own feelings what must be that of others.

"Getting near the middle of the inundated plain, I found myself sensibly falling and, as there were no trees for the men to support themselves, I feared that many of the weak would be drowned. I ordered the canoe to ply back and forth and with all diligence to pick up the men; and to encourage the party, sent some of the strongest forward with orders that when they had advanced a certain distance to pass the word back that the water was getting shallow, and when near the woods to cry out, land! This stratagem had the desired effect. The men, encouraged by it, exerted themselves almost beyond their abilities, the weak holding on the stronger. On reaching the woods where the men expected land the water was up to their shoulders, but gaining the timber was the greatest consequence for the weakly hung to trees and floated on the drift till they were taken off by the canoes. The strong and all got ashore and built fires, but many of the feeble on reaching land would fall with their bodies half in the water. The latter were so benumbed with cold we soon found that fires would not restore them and the strong were compelled to exercise them with great severity to revive their circulation. Fortunately a canoe in charge of some squaws was going to town which our men captured, and which contained half of a quarter of buffalo meat, some corn, tallow, and kettles. Broth was made of this valuable prize and served to the most weakly with great care. Most of the men got a small portion, but many of them gave part of theirs to the more famished, jocosely saying something cheering to the company. We next crossed a deep but narrow lake in the canoes, and marching some distance came to a cove of timber called Warriors Island. We were now distant only 2 miles from town, which, without a single tree to obstruct the view, could be seen from the position we occupied. The lower portions of the land between us and the town were covered with water which served at this season as a resort for duck and other waterfowl.

"We had observed several men on horseback shooting them half a mile distant and sent out as many of our active young Frenchmen to decoy and take them prisoners in such a manner as not to alarm the others. Being successful in addition to the information which had been obtained from those taken on the river, the captives reported that the British had that evening completed the wall of the fort and that there were a good many Indians in the town. Our situation was truly critical. No possibility of retreat in case of defeat, and in full view of the town which at this time had 600 men in it, troops, inhabitants and Indians. The crew of our galley, though not 50 men, would have been a reinforcement of immense magnitude to our little army, but we could not think of waiting for them. Each had forgot his suffering and was ready for the fray, saying what he had suffered was nothing but what a man should bear for the good of his country. The idea of being made a prisoner was foreign to every man, as each expected nothing but torture if they fell into the hands of the Indians. Our fate was to be determined in a few hours and nothing but the inhabitants wished us well. There were many lukewarm to the interests of either party. I also learned that Grand Dooe had but a few days before openly declared in council with the British, that he was a brother and friend of the 'Long Knives.' These were favorable circumstances and

as there was little probability of our remaining until dark undiscovered, I determined to commence operations immediately."

So in the gathering dusk of February 23, Clark's force began firing on the fort. This firing was supposed to be only drunken Indians shooting, as they had saluted the fort in this manner several times.

Clark had sent this placard to the inhabitants of Vincennes, "To the inhabitants of Vincennes: Gentlemen, being now within 2 miles of your village with my army, determined to take your fort this night and such of you as are true citizens and willing to enjoy the liberty which I bring you, to still remain in your houses and those, if any there be, who are friends of the king, let them instantly repair to the fort and join the hair-buyer general and fight like men—and if the latter do not go to the fort, and shall be discovered afterwards, they may depend upon severe punishment. On the contrary, those who are true friends to liberty, may depend upon being well treated as an enemy." After this, even those friendly to the British were afraid to give warning to those at the fort. This forceful letter shows insight into human nature. Clark, of all the commanders, had the clearest and greatest insight into human nature, this faculty was so developed that he was held in awe by many and this very trait caused him to capture Vincennes as he had the other forts in Illinois, without bloodshed. We can not describe the dramatic episode of the attack, the surprise of Colonel Hamilton, the attitude of the Creoles, the capture the next day of the Indians returning from Kentucky, bringing the scalps of men, women, and children hanging from their belts, and the tomahawking the next day of these Indians, in sight of the British garrison. But so remarkably accurate was the shooting of the frontiersmen that the garrison could not use the cannon mounted on the corners of the fort. Whenever they attempted to shoot from the fort or the palisade around it, a bullet was sure to come through from the outside. Thus did Clark's men lying in the open, behind such crude shelter as they could construct, silence the fire of a well-garrisoned, well-armed fort. After a famous dramatic interview with Clark, Colonel Hamilton capitulated on February 25, 1779. The Americans took possession, sending Hamilton and his principal men to Virginia as prisoners. Never again was the British flag to fly over Vincennes, and the treaty of peace took the Northwest from the Province of Quebec and gave it to the United States.

If Virginia could have sent Clark money, supplies, and even a small reinforcement he could have reached his ultimate goal, Detroit, and he could have captured and held it. Then the Indian wars of the next 44 years would have been avoided; indeed, it is more than probable that the war of 1812 would also have been avoided, for the United States in a large part was led into this war by pressure from the West for the annexation of Canada as a protection against British support of the Indians. But this was not to be; recruits could not be sent, even the small force which he had in 1779 melted away. He was left to defend the frontier without men or supplies. The depreciated currency of Virginia became entirely worthless. Clark, Vigo, Pollock, and several others pledged all their property to secure supplies for the soldiers. The Government could not repay them. They became utterly impoverished. They had to seize food to keep from starving, and their men were reduced to almost nakedness. Here he proved his worth in the greatest rugged battle of fate, where his strength was shown by a test thousands would have shunned. His marvelously resourceful and strong character was committed to a destiny of its own.

Twice during the five years after the capture of Vincennes Colonel Clark led successful expeditions against hostile Indians in what is now Ohio, and he cooperated with the Spanish in successful resistance to the strong British expedition down the Mississippi. In December, 1780, when he went to Virginia, he took command under Baron Steuben to defend Virginia against an invasion by a British force under Benedict Arnold. In 1781 Clark became brigadier general. In 1782 he gathered a large force and marched against the Indian towns on the Miami and Scioto; five were destroyed. He participated in a successful expedition against Indians on the Wabash in 1786 and about 1794 accepted a commission as major general in the French Army against the Spanish possessions on the Mississippi, but when Genet, the French minister to the United States, who had given to him the commission, was recalled the commission was annulled. But on the whole the history of the last year of the war and of the years immediately following is a pathetic story of his heroic struggles, without support, against the British and Indian forces without and chaos in the American lines.

After the war came dastardly attacks and intrigues against Clark by James Wilkinson, his supplanter, one of the most despicable figures on the pages of American history. Land speculators whom he had opposed and offended joined in the clamor against him. His just claims for money expended were left unpaid by Virginia and ignored in the adjustment between her and Continental Congress. He paid the penalty of his hardships and exposure as did most of his men, by years of suffering and physical anguish. He sought and too often found the drunkard's temporary relief from pain and disappointment. Doctor Coleman said, "Clark drunk knew more than all the Bodleys and Duns that ever lived." After years as an invalid his rheumatic troubles finally were added to by paralysis, which caused his death at the home of his sister in 1818. For years he had been dependent upon

his brothers and sister and their families. It was a long and terrible penalty imposed upon a mind and body worn out in service such as few men ever gave to their country. Think of all the fertile, vast region northwest of the Ohio wrested from the British by the valor of this great soldier, whose technique of leadership has never been surpassed, yet he was for years swallowed by the quicksands of time and endured poverty and chill penury which froze almost every current of his noble soul. In spite of the oblivion in which he rested for a number of years, his noble, decisive character had made too large a dent upon the shield not only of his beloved United States but of civilization ever to be removed. He gave his all for his country.

The picture can not but recur, as that of a gallant ship which weathered the fiercest tempests and storms, then was left to be beaten to pieces and be abandoned on the beach. Those who saw only the hopeless wreck never understood the heroism of the fierce struggle in the gale. It has remained for later years to bring to and hold aloft before the world the incredible achievement of the march from Kaskaskia and the capture of the British headquarters in the West.

This will long remain the most glorious epic in the history of the old Northwest. George Rogers Clark, by his incredible achievements, not only proved his courage and indomitable will, personal magnetism, and invincible leadership, but common sense. Wisdom is common sense in an uncommon degree; then George Rogers Clark was one of the world's wisest men, for nine-tenths of wisdom is being wise in time; only by his quick foresight and vision was this country led to victory and preserved for the posterity of generations yet unborn. His instinct acted as a guiding star and led him unerringly in snatching the Northwest from the Province of Quebec. He seems to have followed the dictum, "One's instinct is truer than one's thought." As you recall his saying in regard to allowing some of the French to go to Vincennes for food, "I could never well account for my obstinacy on this occasion or give satisfactory reasons to myself or anybody else, but something seemed to tell me it should not be done." Like Jefferson, Clark never invited failure by neglecting obvious precaution; his motto seemed to be:

The giant of a nation's creed
Prepared,
Lest we be in another's greed
Ensnared.

The true Clark is revealed in words spoken to the people of Kaskaskia just after he took possession—for no one excelled Clark in the respect for the rights of others—he keenly felt himself the hardships which the necessity of the situation compelled him to inflict or impose upon those in his power, and he sought to rule by stratagem rather than by force or punishment.

He was an essence of magnanimity and heroism. So great were the services of Colonel Clark and his brave warriors and officers they were voted the thanks of the Virginia House of Delegates November 23, 1778, "for their extraordinary resolution and perseverance in so hazardous an enterprise, and the important service thereby rendered the country." Years afterwards Virginia sent to Clark a sword, but he felt so keenly what he considered the ingratitude of the Republic in leaving him in this obscurity and poverty that he received the compliments of the committee in gloomy silence. Then he exclaimed with his old fire, "When Virginia needed a sword I gave her one, she sends me now a toy. I want bread." He thrust the sword into the ground and broke it with his crutch. Though all the rich vast domain northwest of the Ohio was rescued to this Republic at the peace of 1783 by the consequences of Clark's powers, his inconspicuous grave in Cave Hill Cemetery at Louisville, Ky., is marked only by a little headstone bearing the letters "G. R. C." It is unkept and it is said not one dozen persons in the United States can point it out. What a great reflection upon Louisville, Ky., and the great Northwest. The rippling waters of his beautiful Ohio still murmur a requiem over the grave which holds the dust of the noblest American that ever went up and down her waters, the soldier, statesman whose tireless energy still lives in the enterprise of millions who dwell in the land he loved and defended; only the relics of nature contend with him for the empire of the wilderness.

This American was born in Albemarle County, Va., November 13, 1752, near Monticello, the home of his beloved friend, Thomas Jefferson, and distant relative. He spent his life in Caroline County, Va., where he enjoyed not only common-school education but advantages from the noted Scotch scholar and teacher, Donald Robertson. James Madison was also one of Robertson's pupils. Our valiant hero never married but the family tradition is that he was greatly fascinated by the daughter of the Spanish Governor of St. Louis.

He paid her his most ardent addresses, but when he relieved that post after an Indian attack he observed a want of courage in the governor. He broke off his addresses to the girl and said to his friends, "I will not be the father to a race of cowards." Man is a bundle of his ancestors, and George Rogers Clark subscribed to this belief in that utterance, so I wonder if we, the daughters of Eve, have not the curiosity to see who is in George Rogers Clark's bundle?

He is a direct descendant of Eneas, King of the Scots, A. D. 100, Charlemagne, Louis IX of France, and Louis XI of France through

Hugh Capet, which gives him two lines of descent from Charlemagne. William the Conqueror and Anne Boleyn, daughter of Lady Margaret Butler, and Sir William Boleyn, whose daughter married Sir John Shelton. Anne Boleyn was the great aunt of Queen Elizabeth's mother. Anne Boleyn hid at the home of her great aunt from her persecutors at Shelton Hall, and occupied a pew in the church Sir Ralph Shelton built in 1480. Sir Ralph Shelton, the father of Sir John Shelton, was in the King's own company at the Battle of Cressy. Sir John Shelton was a Knight of the Bath, Edwards I, II, III of England. His Shelton ancestors were so nobly connected that few private families even in feudal times could surpass their opulence and alliance. Their family history is recorded in the Domesday Book on account of its connection with royal families. Many of America's most prominent men, Col. William Byrd, of Westover, as well as John Roger, gentleman, who was born about 1680 on a ship en route from England to America. His parents settled in the tidewater section of Virginia. He married May Bird, of Westover. John died in King and Queen County, Va., in 1762, and John C. Clark, an immigrant, of King and Queen County, Va., before 1725 married Elizabeth Lumpkin; they had five children. Their oldest son, Jonathan Clark, married in 1723 Elizabeth Wilson, daughter of Lucy Rogers. Their eldest son was born in October, 1724. He married his cousin, Anne Rogers, in 1749.

Anne Rogers was the daughter of Giles Rogers and granddaughter of Mary Byrd and John Rogers. Their children were Jonathan, George Rogers, and William, three other sons and one daughter. If Col. William Byrd would only have seen into the future, he certainly would not have scorned plain John Rogers, gentleman, nor disowned his daughter, Mary, for having married him. Merriwether Lewis was also descended from the same line of Sheltons and Byrds. Even to-day this strain of blood brings us intrepid, powerful men, for Evelyn Byrd, the Arctic explorer and North Pole hero, and his brother, the present Governor of Virginia, show the power of inheritance. Through the two brothers, George Rogers and William, and their cousin, Merriwether Lewis, we are indebted for opening the way for the acquisition to our Republic of the entire region from the Mississippi Valley to the Pacific Ocean.

This country being opened and held by Clark was to produce the great westward movement which eventually pushed the frontier to the Pacific Ocean. It filled the Mississippi Valley and the far West and made the United States a continental nation and revived the blood of the whole people. But had the British and the Indians cleared the western country of American settlers and retained it as a colonial possession, the new Nation would have remained an Atlantic seaboard State, with little chance to spread its wings either materially or spiritually. Another nation, or perhaps a colony of Great Britain, would have grown rich and powerful upon the great westward movement. Appealing to adventurous Americans as did Louisiana in the hands of Spain or Texas in the hands of Mexico, and there seems to be no reason for thinking that another revolution would have come to bring about its annexation to the United States. In endeavoring to estimate the achievements of George Rogers Clark or the debt of gratitude we owe him we must consider the present state of our great Nation and the blessings we enjoy as his gifts to the United States and to us as her citizens in this mighty Northwest.

My friends, as we look back through the long vista of years upon such men we almost recoil from the obligations they imply. Their visions must be realized; we must fulfill the longing of their hearts, these champions of truth. There are no more continents to conquer, but let us live in the duties and blessings of our great citizenship as those to whom has been left this magnificent trust, as those who are conscious of an unreckoned debt to a heroic past, the grand and solemn lineage whose freedom runs back beyond Bunker Hill or the *Mayflower*, not forgetful of the lessons and duties of the hour. But by all the memories of the past, by all the impulses of the present, by all the noblest instincts of our souls, by a touch of His sovereign spirit upon us, may God make us faithful and worthy of our heritage.

BILLS AND JOINT RESOLUTION INTRODUCED

As in legislative session,

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NORRIS (by request of the Attorney General):

A bill (S. 5181) to amend section 4 of the act of June 15, 1917 (40 Stat. 224, sec. 241, title 22, U. S. C.) (with accompanying papers); to the Committee on the Judiciary.

By Mr. NEELY:

A bill (S. 5182) granting an increase of pension to John Rose; to the Committee on Pensions.

By Mr. WALSH of Massachusetts:

A bill (S. 5183) granting a pension to Gertrude F. DuBois; to the Committee on Pensions.

By Mr. HALE:

A bill (S. 5184) granting an increase of pension to Mary M. DePew (with accompanying papers); to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 5185) authorizing the Secretary of War to modify the contract for the sale of the St. Johns Bluff Military Reservation, Fla.; to the Committee on Military Affairs.

By Mr. THOMAS of Oklahoma:

A bill (S. 5186) for the relief of Louisa Z. Ozborn and minor children (with accompanying papers); to the Committee on Claims.

By Mr. DENEEN:

A bill (S. 5187) to exempt from taxation certain property of the National Society of the Sons of the American Revolution in Washington, D. C.; to the Committee on Finance.

By Mr. SACKETT:

A bill (S. 5188) granting an increase of pension to Cora B. Keltner (with accompanying papers); and

A bill (S. 5189) granting an increase of pension to Nannie Curry (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5190) granting an increase of pension to Willard M. Girton; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 5191) granting a pension to Harlow Hewett; and

A bill (S. 5192) granting an increase of pension to Rue S. Donnohue; to the Committee on Pensions.

By Mr. REED of Pennsylvania:

A bill (S. 5193) to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Middle District of the State of Pennsylvania; to the Committee on the Judiciary.

A bill (S. 5194) authorizing Richard H. Klein, his heirs, legal representatives, and assigns to construct, maintain, and operate a bridge across the Susquehanna River at or near the Borough of Liverpool, Perry County, Pa.; to the Committee on Commerce.

By Mr. SHEPPARD:

A bill (S. 5195) for the relief of Don A. Spencer; to the Committee on Claims.

By Mr. HAYDEN:

A bill (S. 5196) to amend the act entitled "An act to authorize credit upon the construction charges of certain water-right applicants and purchasers on the Yuma Mesa auxiliary projects, and for other purposes"; to the Committee on Irrigation and Reclamation.

By Mr. THOMAS of Oklahoma:

A joint resolution (S. J. Res. 184) authorizing an extension of time within which suits may be instituted on behalf of the Cherokee Indians, the Seminole Indians, the Creek Indians, and the Choctaw and Chickasaw Indians to June 30, 1931, and for other purposes; to the Committee on Indian Affairs.

AMENDMENT TO AGRICULTURAL APPROPRIATION BILL

Mr. JONES submitted an amendment proposing to increase the appropriation for market news service in connection with the production, transportation, marketing, and distribution of farm and food products, from \$1,227,000 to \$1,262,000, intended to be proposed by him to House bill 15386, the Agricultural Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

COUNTING OF THE ELECTORAL VOTE

As in legislative session,

Mr. SHORTRIDGE submitted the following concurrent resolution (S. Con. Res. 28), which was referred to the Committee on Privileges and Elections:

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 13th day of February, 1929, at 1 o'clock p. m., pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their presiding officer; that two tellers shall be previously appointed by the President of the Senate on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed as they are opened by the President of the Senate all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration.

tion of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the bill (S. 3127) to amend section 217, as amended, of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7729) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. KOPP, Mr. ZIEHLMAN, and Mr. CONNERY were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 11469) to authorize appropriations for construction at the United States Military Academy, West Point, N. Y.; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MORIN, Mr. JAMES, and Mr. MCSWAIN were appointed managers on the part of the House at the conference.

FINAL ASCERTAINMENT OF ELECTORS

As in legislative session,

The VICE PRESIDENT laid before the Senate communications from the Secretary of State, transmitting, pursuant to law, certified copies of the final ascertainment of electors for President and Vice President in the States of California, Connecticut, Florida, Illinois, Indiana, New York, North Carolina, North Dakota, Pennsylvania, Rhode Island, South Carolina, and Texas, at the election held November 6, 1928, which were ordered to lie on the table.

CONSTRUCTION AT THE MILITARY ACADEMY

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 11469) to authorize appropriations for construction at the United States Military Academy, West Point, N. Y., and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. REED of Pennsylvania. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. REED of Pennsylvania, Mr. McMASTER, and Mr. FLETCHER conferees on the part of the Senate.

BRIEFS IN RAILROAD VALUATION CASE

Mr. NORRIS. Mr. President, I have here the briefs which have been filed in the so-called O'Fallon valuation railroad case now being argued in the Supreme Court, probably the most important law suit that has ever been tried in the history of the world. I am informed by one of the attorneys, who prepared one of the briefs, and also by a representative from the office of the clerk of the Supreme Court that demands for copies of the briefs are coming from all over the United States, from colleges, students, economists, and attorneys generally, and that they are unable to supply the demand. I therefore ask that the briefs be printed as a Senate document, all in one document.

Mr. SACKETT. Mr. President, may I inquire if that includes the briefs on both sides?

Mr. NORRIS. It includes all the briefs. It includes the brief for the appellant railway companies; that is, the St. Louis & O'Fallon Railway Co. and the Manufacturers' Railway Co.; the brief for the United States; the brief for the Interstate Commerce Commission; the brief on behalf of the National Conference on Valuation of American Railroads, as Amicus Curiae; also a similar brief on behalf of the Great Northern Railway as Amici Curiae; and a reply brief from the railroads. I am asking that they may all be printed together in one document.

Mr. GOFF. How many copies are to be printed?

Mr. FLETCHER. The number would be limited.

Mr. NORRIS. In my judgment there will probably be a demand later on for a reprint of the document, though there may not be. We can get a reprint in case the demand continues as it seems to be progressing now.

Mr. FESS. Mr. President, I hope there will be no objection to the request because this is the case that will decide the item of the recapture clause in the 1920 law which has been

suspended. I have examined one of the briefs, and I think it is very important.

Mr. NORRIS. It will be an expensive document, it is true. I hold the briefs in my hand for Senators to see.

The VICE PRESIDENT. Is there objection to the request of the Senator from Nebraska?

Mr. BINGHAM. Mr. President, my recollection is that under the rule of the Senate all requests of this kind should be referred to the Committee on Printing, and the Committee on Printing is ordered by the rule to secure an estimate of cost from the Public Printer for a certain number of copies that are authorized to be printed.

Mr. NORRIS. My recollection is that that is true where the amount of the cost is liable to be more than a certain sum.

Mr. SMOOT. The amount will be more than that sum in this case.

Mr. NORRIS. I am inclined to think so; in fact, I have no doubt that the amount of money required to print the briefs as a Senate document will exceed the amount stated in the law.

Mr. SMOOT. I have no objection to the printing of the briefs as a Senate document.

Mr. NORRIS. I do not think there will be any delay on the part of the Committee on Printing. A delay would be serious, because now is the time when students of the subject all over the United States are trying to get copies of the various briefs.

Mr. FLETCHER. I think we can by unanimous consent order the printing, and any request for additional copies may be referred to the Committee on Printing to ascertain the cost.

Mr. SMOOT. I think it is best to send the request to the Committee on Printing, because the House would want a certain number of copies. I believe before the printing is done we ought to find out how many copies shall be printed, so that we may determine how many shall be allocated to the Senate and how many to the House.

Mr. NORRIS. The chairman of the Committee on Printing is not present at the moment. I have no objection to taking that course, with the understanding that there will be no delay.

Mr. FLETCHER. It is just a question now of making it a public document, and we can determine later on about the number.

Mr. GOFF. Mr. President, I would like to ask the Senator from Nebraska if there will be a proportionate allocation to the Members of the Senate so that they can meet the requirements of their respective State bars?

Mr. SMOOT. If the matter goes to the Committee on Printing, when they report it out they can fix upon the number of copies required, and then the allocation will be made between the Senate and the House, and the number allotted to the Senate is always distributed among the Senators.

Mr. GOFF. With that understanding, I have no objection.

Mr. NORRIS. I have no objection to having my request referred to the Committee on Printing.

The VICE PRESIDENT. Without objection, it will be so referred.

RESTRICTION OF IMMIGRATION

Mr. BLEASE. Mr. President, I ask unanimous consent to have inserted in the RECORD two letters written by Secretary of Labor Davis in regard to two bills which I have introduced relative to immigration.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
COMMITTEE ON IMMIGRATION,
January 4, 1929.

Senator COLE L. BLEASE,

United States Senate, Washington, D. C.

MY DEAR SENATOR: I send you herein copy of the report that has come to me from the Secretary of Labor upon your bill S. 5093. I also inclose report from Secretary Davis upon your bill S. 5094.

Sincerely yours,

HIRAM W. JOHNSON, Chairman.

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, January 2, 1929.

Hon. HIRAM W. JOHNSON,

United States Senate, Washington, D. C.

MY DEAR SENATOR: In response to your letter of December 26, 1928, inclosing a copy of Senate bill 5093, by Senator BLEASE, "To authorize the issuance of certificates of admission to aliens, and for other purposes," I have to make the following comment: The general demand on the part of aliens for the issuance of certificates of admission as

proposed in S. 5093 is indicated in the very large number of requests from aliens for a certificate since the adoption by this department of the granting of identification cards to presently arriving aliens, which is done under section 1 of the naturalization act of June 29, 1906.

The section of the naturalization act referred to provides that immigration officials at ports of entry shall record certain information concerning each alien arriving in the United States, and it is likewise provided that it shall be the duty of such immigration officers to cause to be granted to arriving aliens a certificate "of such registry."

It is understood that following the passage of this legislation admitted aliens were supplied with a simple certificate of registry, but for one reason or another this practice was soon abandoned, and for a good many years certificates of arrival were furnished only in connection with naturalization proceedings, and then not directly to the alien concerned.

The department and Bureau of Immigration have long believed that aliens who are admitted to the United States, either permanently or temporarily, ought to be supplied with some evidence of their status as residents of the United States under the immigration laws. Accordingly a system of stamping passports was adopted in the case of visitors entering the United States temporarily, and beginning with July 1, 1928, a more elaborate certificate of admission has been issued to every alien permanently admitted as an immigrant. This certificate, which is known as an "immigrant identification card," is prepared in part at the American consulate where a visa is issued and is completed by an immigration officer when final admission is made at port of arrival. These cards are prepared with a view to preventing forgeries so far as that is possible. They contain certain essential data, including the photograph of the immigrant. They are issued in duplicate, such duplicate being permanently filed in the Bureau of Naturalization in Washington.

Without question the identification card is a document of great value to lawfully admitted immigrants. Their possession facilitates naturalization proceedings and otherwise enables the holder to establish his status as a lawful resident. Moreover, the duplicates afford the department a highly valuable and convenient card-index record of aliens who have been admitted for permanent residence. Finally it is felt that the issuance of the identification card to arriving immigrants is in strict compliance with section 1 of the naturalization act already referred to. There is ample evidence that the identification cards are appreciated by those to whom they have been issued since the system was inaugurated in July last. This is in part evidenced by the fact that there has been a very considerable demand for similar certificates from immigrants who were admitted prior to July, but no provision has been made for the issuance of documents of any kind in such cases.

The proposed legislation, if enacted, would enable the Commissioner General of Immigration, with the approval of the Secretary of Labor, to provide aliens who are lawfully resident in the United States with certificates of admission or residence similar to those now issued to arriving immigrants. As already pointed out, the naturalization law evidently contemplates that some such document shall be issued to arriving aliens, but that having been neglected, some doubt has been raised as to whether the department would be justified under the law in providing every legally resident alien who might apply with a similar document. The proposed legislation, if enacted, would, of course, remove all doubt in this regard and, moreover, would through the charge of \$3 for each certificate issued reimburse the Government, it is believed, for the expense that would necessarily be incurred in putting the proposed system into effect.

Sincerely yours,

JAMES J. DAVIS.

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, January 2, 1929.

HON. HIRAM W. JOHNSON,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In response to your letter of December 26, 1928, requesting the views of this department respecting S. 5094, a bill by Senator BLEASE, "making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law," I have to state that in our opinion the enactment of the law proposed would be of material assistance in the administration of existing immigration laws.

It is academic that no prohibitive law can successfully be enforced without a deterrent penalty. The fact that possible deportation is not a sufficient deterrent to discourage those who seek to gain entry through other than regular channels is demonstrated by the frequency with which this department is compelled to resort to deportation proceedings for the same alien on several succeeding occasions. Unfortunately, however, no statistics as to the number of instances in which deportations have been repeated have been kept. Many of the aliens who

are required to be deported enter as seamen, and it goes without saying that deportation as passengers aboard regular passenger steamers is no penalty in this class of cases. In any event, an alien deported at Government expense under the present procedure is not subject to any more difficulties or embarrassment than before the first successful attempt to enter the country unlawfully.

Aside from the sexually immoral and members of the anarchistic and similar cases there is nothing in the immigration laws which penalizes aliens for reentering the United States unlawfully after they have been deported at considerable expense to the Government. The enactment of a law imposing a penalty is recommended.

Sincerely yours,

(Signed) JAMES J. DAVIS.

ARMY PROMOTION SYSTEM

Mr. REED of Pennsylvania. Mr. President, there has been considerable discussion about the projected change in the promotion system in the Army. The Army and Navy Journal has taken a poll of all of the officers in the service. The result of the poll is contained in a letter from the managing editor of the Journal, dated on yesterday, which I send to the desk; and, as in legislative session, I ask that it may be printed in the CONGRESSIONAL RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ARMY AND NAVY JOURNAL,
Washington, D. C., January 3, 1929.

HON. DAVID A. REED,
Chairman Military Affairs Committee,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In response to your request I have the honor to submit the following data obtained as a result of the Army and Navy Journal's survey on promotion. This survey was undertaken by the Army and Navy Journal as an independent agency to ascertain the real individual sentiment of officers of the Army on the subject of promotion and the basic principles proposed for the relief of the present situation.

The general response to newspaper polls, no matter how vital the subject, totals from 10 to 20 per cent, we are reliably informed. The replies to the journal's survey, therefore, are indicative of the tremendous interest and desire of the Army for action this session, as over 50 per cent of the officers of the Army have responded to date. Except on enforced separation the ratio in favor of a separate bill embodying the basic principles outlined is more than 11 to 1. Officers at all posts in the United States, Panama, and Hawaii have sent in their replies. No Philippine returns have as yet arrived. They are expected to bring the total to more than 6,000, or about 60 per cent of the officers on the promotion list of the Army. No effort was made to canvass the Chaplain or Medical Corps as these officers have separate promotion lists of their own.

The responses from officers in the "hump," composed of captains and first lieutenants of promotion list branches, was greater than the general response, averaging about 54 per cent to date. Following is an analysis of the responses from these officers:

Captains and first lieutenants of promotion list branches

	Yes	No	Failed to indicate
Do you favor:			
(a) Promotion after a stated number of years' service in each grade.....	2,947	32	73
(b) Advancement of officers at prescribed periods without rigid regard to number in grades.....	2,732	95	125
(c) Reduction of "hump" by—			
(1) Retirement of lieutenant colonels as colonels after 26 years' service.....	2,887	33	132
(2) Retirement of officers appointed July 1, 1920, or prior to that date with suitable compensation upon own application.....	3,095	7	70
(3) Removal of restrictions on retired officers for holding office or employment.....	3,155	67	60
(4) Enforced separations.....	398	2,758	66
(5) Voluntary separations.....	3,076	76	100
(d) A separate bill to secure passage of these principles.....	2,724	252	276

The attention of your committee is called to the fact that the results recorded in question (d) "Do you favor a separate bill to secure passage of these principles?" indicate that over 90 per cent of the officers in all grades who gave an opinion unmistakably indicated their desire for action to accelerate promotion this session. These principles are the "noncontroversial" ones and would benefit the Army as a whole. The officers, in their comments, show that they favor the passage of a measure embodying these alone, if "controversial" principles included in pending bills threaten to block action this session. Following is an analysis of general replies:

All grades and branches

	Yes	No	Failed to indicate
Do you favor:			
(a) Promotion after a stated number of years' service in each grade.....	4,977	583	148
(b) Advancement of officers at prescribed periods without rigid regard to number in grades.....	4,534	940	234
c) Reduction of "hump" by—			
(1) Retirement of lieutenant colonels as colonels after 26 years' service.....	4,715	737	256
(2) Retirement of officers appointed July 1, 1920, or prior to that date with suitable compensation upon own application.....	5,231	309	168
(3) Removal of restrictions on retired officers for holding office or employment.....	5,525	91	92
(4) Enforced separations.....	804	4,682	222
(5) Voluntary separations.....	5,336	140	232
c) A separate bill to secure passage of these principles.....	4,768	424	516

The results in this group of officers are practically the same as the results of the officers in the "hump." There is also indicated an overwhelming sentiment among all officers of the Army for the principles (other than enforced separation) of promotion as embodied in the survey.

The survey clearly shows that the question of greatest concern to retired officers is that of removal of restrictions on their employment. Almost 97 per cent of the votes cast were in favor of such removal.

A great number of cards, mostly in the grades of captain and lieutenant, contained comment upon the matter of pay, which is entirely outside the scope of this survey. Many officers of all grades entered remarks indicating the necessity for higher pay. These comments are so generally distributed throughout the various grades and branches and are so forcefully presented that congressional relief in the matter of pay appears to the Army and Navy Journal to be a vital necessity for the welfare and efficiency of the Army, which should be cared for as well as the question of promotion.

Appended are tabulations showing (1) total returns by branches, (2) tabulation by branches and grade.

Should any further information be desired, the Army and Navy Journal will be pleased to furnish it.

Sincerely yours,

BERTRAM KALISCH,
Managing Editor.

DISTRIBUTION OF THE CONGRESSIONAL RECORD

Mr. HEFLIN. Mr. President, on yesterday morning I gave notice to the Senate that I would call up this morning Senate bill 5022, which provides for an increase in the number of copies of the CONGRESSIONAL RECORD allotted to each Senator and each Member of the House.

Mr. BORAH. Mr. President—

Mr. HEFLIN. This measure has been unanimously reported by the Committee on Printing, and an agreement was had in the committee cutting the number down from 300 to 150 for each Senator and to 100 copies for each Member of the House. A Senator now gets only 88 copies for distribution in his entire State. Each Member of the House gets only 60 copies. Before Christmas the Senator from Utah [Mr. Smoot] asked me to let the matter go over until he could get certain information and stated he would have that information ready after the Christmas recess. It was my understanding that he would have it ready on yesterday, but he then asked to have the matter go over until to-day.

Mr. SMOOT. Oh, yes; I had the information ready. The Senator is mistaken.

Mr. HEFLIN. Senators heard me state that the Senator from Utah had gone from the Chamber and that he asked that the matter might go over until he could be here this morning, and I yielded to his request. Now the Senator is not ready this morning to go on with the measure. It ought to be passed. The people of the United States are entitled to know what is going on in Congress, and I submit that it is a crying shame that they are not allowed to get the CONGRESSIONAL RECORD and to read the proceedings of this body and the other House. Eighty-eight copies of the RECORD to each Senator for his entire State is ridiculous. I want the Senate to pass on the question whether or not they will have this number increased. If the Senator from Utah is not ready to go on with it, I want to fight it out with him on the floor of the Senate.

Mr. BORAH. Mr. President, let me say to the Senator from Alabama that we are proceeding now as in open executive session, and I should not want to yield to return to legislative session at this time to dispose of the measure to which he refers. As we are now in open executive session, I would like to proceed with the business before the Senate.

Mr. HEFLIN. I gave notice yesterday morning in the Senator's presence, and I thought he would yield to us this morning to go ahead with this matter for a little while. It will take only a short time.

Mr. BORAH. I hope the Senator will not insist on going ahead while we are proceeding as in open executive session.

Mr. HEFLIN. We could consider it as in legislative session.

Mr. BORAH. Yes; we could, but I think the Senator from Utah is not ready to proceed at this time.

Mr. HEFLIN. I want to say to the Senator from Idaho that the longer the matter is delayed, the longer it will be before the people in the States who are writing in for the RECORD can get on the mailing list. The sooner the measure is passed the better it will be.

Mr. BORAH. If the matter can be voted upon without debate, I shall not object.

Mr. SMOOT. Mr. President, I want to say to the Senator from Alabama that if the amendment has been agreed to by the chairman of the committee, this is the first time I have heard that the Senator had yielded—

Mr. BORAH. Mr. President, if there is going to be debate, I object and call for the regular order.

The VICE PRESIDENT. The regular order is called for. The Senator from Idaho is entitled to the floor.

Mr. HEFLIN. Mr. President, I make the point of no quorum. That is the regular order now.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	La Follette	Shipstead
Barkley	Frazier	McKellar	Shortridge
Bayard	George	McLean	Smoot
Bingham	Gerry	McMaster	Steck
Blaine	Glass	McNary	Steiwer
Blease	Glenn	Mayfield	Stephens
Borah	Goff	Neely	Swanson
Brookhart	Gould	Norbeck	Thomas, Idaho
Broussard	Greene	Norris	Thomas, Okla.
Bruce	Hale	Nye	Tydings
Burton	Harris	Overman	Vandenberg
Capper	Hastings	Pine	Wagner
Caraway	Hawes	Ransdell	Walsh, Mass.
Couzens	Hayden	Reed, Mo.	Walsh, Mont.
Curtis	Hefflin	Reed, Pa.	Warren
Dale	Johnson	Robinson, Ark.	Waterman
Deneen	Jones	Robinson, Ind.	Watson
Dill	Kendrick	Sackett	Wheeler
Edge	Keyes	Schall	
Fess	King	Sheppard	

Mr. HEFLIN. My colleague the junior Senator from Alabama [Mr. BLACK] is absent on account of illness. I ask that this announcement may stand for the day.

Mr. NORRIS. The junior Senator from Nebraska [Mr. HOWELL] is detained from the Senate on account of illness. I ask that this announcement may stand for the day.

Mr. McKELLAR. My colleague the junior Senator from Tennessee [Mr. TYSON] is absent on account of illness in his family. I should like to have this announcement stand for the day.

Mr. WAGNER. I wish to announce that the senior Senator from New York [Mr. COPELAND] is unavoidably absent because of illness in his family.

The VICE PRESIDENT. Seventy-eight Senators having answered to their names, a quorum is present. The Senator from Idaho.

Mr. HEFLIN. Mr. President, with the permission of the Senator from Idaho, I should like to say that the senior Senator from Utah [Mr. SMOOT] did not understand that we had agreed in committee to cut the number of CONGRESSIONAL RECORDS set out in the bill to be allotted to each Senator from 300 to 150 and the number allotted to each Member of the House of Representatives from 150 to 100 copies. We did agree on that. In order to get some increase I accepted the compromise as suggested. The bill has been unanimously reported with that understanding. The Senator from Utah did not seem to understand that we had done that, but thought the number was to be 300 copies to each Senator.

Mr. BORAH. Is the Senator from Utah ready for a vote on the bill?

Mr. SMOOT. I am perfectly willing to vote upon the proposition to make the number for each Senator 150, but not to make it 300.

Mr. HEFLIN. We have accepted the suggestion to make the number of copies for each Senator 150.

Mr. BORAH. Then let us have a vote.

Mr. HEFLIN. I ask unanimous consent, as in legislative session, that the Senate proceed to the consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole and in legislative session, proceeded to consider the bill (S. 5022) to amend sections 183 and 184 of chapter 6 of title

44 of the United States Code, approved June 30, 1926, relative to the printing and distribution of the CONGRESSIONAL RECORD, which was read, as follows:

Be it enacted, etc., That sections 183 and 184 of chapter 6 of title 44 of the United States Code, approved June 30, 1926, be amended to read as follows:

SEC. 183. CONGRESSIONAL RECORD; daily and permanent forms.—That the public proceedings of each House of Congress, as reported by the official reporters thereof, shall be printed in the CONGRESSIONAL RECORD, which shall be issued in daily form during each session and shall be revised and bound, as may be directed by the Joint Committee on Printing, in permanent form, promptly at the close of each session. The daily and permanent RECORD shall bear the same date, which shall be that of the actual day's proceedings reported therein.

Same; maps, diagrams, etc.: No maps, diagrams, or illustrations shall be inserted in the RECORD without the approval of the Joint Committee on Printing. All requests for such approval should be submitted to the Joint Committee on Printing through the chairman of the Committee on Printing on the part of the Senate or of the House, in whichever the speech is desired to be illustrated may be delivered, and no maps, diagrams, or illustrations shall be inserted that exceed in size a page of the RECORD.

Same; gratuitous copies; distributions: The Public Printer shall furnish the CONGRESSIONAL RECORD as follows, and shall furnish gratuitously no others in addition thereto:

To the Vice President and each Senator, not to exceed 150 copies; and to the Secretary and Sergeant at Arms of the Senate, each, 20 copies; to the Secretary, for office use, 20 copies; and to the Sergeant at Arms of the Senate, for use on the floor of the Senate, 40 copies; to each Representative, Delegate, and Resident Commissioner, not to exceed 100 copies, and to the Clerk, Sergeant at Arms, and Doorkeeper of the House, each, 20 copies; and to the Clerk, for office use, 35 copies; and to the Clerk, for use on the floor of the House of Representatives, 50 copies, and all of the foregoing shall be supplied daily as originally published. Each order for the daily RECORD shall begin with the current issue thereof, if previous issues of the same session are not available.

Of the bound edition there shall be printed and delivered to the folding room of the Senate not to exceed 8 copies for the Vice President and each Senator, and to the folding room of the House of Representatives not to exceed 5 copies for each Member, Delegate, and Resident Commissioner; to the Secretary and Sergeant at Arms of the Senate, each, 2 copies; and to the Clerk, Sergeant at Arms, and Doorkeeper of the House, each, 2 copies.

To the Vice President and each Senator, Representative, Delegate, and Resident Commissioner there shall be furnished (which shall not be transferable) 4 additional copies of the daily RECORD, 1 to be delivered at his residence, 1 to his office, 1 at the Capitol, and 1 to be reserved by the Public Printer in unstitched form to be bound promptly in paper and delivered to each Member, Delegate, or Resident Commissioner when each semimonthly index shall be issued; to each standing committee of Congress, one daily and one semimonthly copy.

To the President, for use of the Executive Office, 10 copies of the daily and 1 bound copy.

To the Chief Justice and each of the Associate Justices of the Supreme Court of the United States, the marshal and clerk of the said court, 2 copies of the daily and 1 bound copy.

To the governor of each State and Territory, 1 copy of the daily and 1 bound copy.

To the office of the Vice President and Speaker of the House, each, 4 copies of the daily and 1 semimonthly copy.

To the Sergeant at Arms, the Chaplain, the Postmaster, the superintendent and foreman of the folding room of the Senate and House, respectively, and to the two Assistant Sergeants at Arms of the Senate, each, 1 copy of the daily.

To the Official Reporter of the Senate and each of his assistant reporters, and to the official reporters of debates of the House, and the assistant, each, 2 copies of the daily and but 1 semimonthly copy and 3 bound copies to each of these offices.

To the stenographers to committees of the House, 4 copies of the daily and but 1 semimonthly copy.

To the superintendent of the Senate and House document rooms, each, 3 copies of the daily, 1 semimonthly, and 1 bound copy.

To the legislative counsel of the Senate and House and the Architect of the Capitol, each, 3 copies of the daily and 1 semimonthly copy.

To the Senate and House libraries, each, 3 copies of the daily, 1 semimonthly copy, and not to exceed 15 bound copies.

To the Library of Congress 125 bound copies for its own use and international exchange and 10 copies of the daily RECORD for its own use, as provided in section 139 of title 44, and such number of copies of the daily RECORD as may be required, not exceeding 100 copies, for distribution under section 186 of title 44.

To the library of each executive department, independent office, or establishment of the Government in Washington, D. C., except those designated as depository libraries; the Naval Observatory, and the Smithsonian Institution, 1 bound copy.

To the Soldiers' Home and to each of the National Homes for Disabled Volunteer Soldiers, and to each of the State soldiers' homes established for either Federal or Confederate soldiers, 1 copy of the daily.

To the Superintendent of Documents, as many bound copies as may be required for distribution to depository libraries.

To each of our legations abroad, 1 copy of the daily, to be sent through the Secretary of State.

To each foreign legation in Washington whose government extends a like courtesy to our legations abroad, 1 copy of the daily, to be sent through the Secretary of State and furnished upon his requisition.

To each newspaper correspondent whose name appears in the Congressional Directory, and who makes application therefor, for his personal use and that of the paper or papers he represents, 1 copy of the daily CONGRESSIONAL RECORD and 1 copy of the bound CONGRESSIONAL RECORD, the same to be sent to the office address of each member of the press or elsewhere in the city of Washington, as he may direct: *Provided*, That not to exceed 2 copies in all shall be furnished to members of the same press bureau.

To the superintendent of the press gallery of the Senate and House, for office use, each, 2 copies of the daily, 1 semimonthly copy, and 1 bound copy.

To the Governor General of the Philippine Islands at Manila, 10 copies of the daily RECORD as provided in section 164 of title 44.

The Public Printer is authorized to furnish to subscribers the daily RECORD at \$8 for the long and \$4 for the short session, or \$1.50 per month, payable in advance. The "usual number" of the CONGRESSIONAL RECORD shall not be printed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

THE VICE PRESIDENT. The question is, Shall the bill pass?

MR. BURTON. Mr. President, I should like to ask a question for information in regard to this matter. May I ask the Senator from Alabama what number of copies of the CONGRESSIONAL RECORD it is contemplated shall be reserved to be bound in permanent form?

MR. HEFLIN. I do not think there is any change proposed in the bill as to that.

MR. FLETCHER. The Senator will see that on page 3 of the bill it is provided that of the bound edition eight copies are allotted to each Senator and not to exceed five copies for Members of the other House.

MR. SHIPSTEAD. If the Senator will permit me, I desire to state that the number of bound copies of the RECORD under the proposed law will be the same as it now is. Senators will have eight sets of the bound RECORD and Members of the other House will have five copies.

MR. SMOOT. There is no change proposed in that respect. The pending measure is the same as the existing law.

THE VICE PRESIDENT. The question is, Shall the bill pass?

The bill was passed.

MULTILATERAL PEACE TREATY

The Senate, in open executive session, resumed the consideration of the treaty for the renunciation of war transmitted to the Senate for ratification by the President of the United States December 4, 1928, and reported from the Committee on Foreign Relations December 19, 1928.

MR. BORAH. Mr. President, when the discussion ended last evening at the close of the session we had under consideration the effect of the pending peace treaty upon the Monroe doctrine. I had not intended to discuss that feature of the subject in my opening remarks upon the treaty, but since questions relating to it have been submitted and it is now before the Senate I think I may conclude what I have to say in regard to that particular subject.

As I understand, the Monroe doctrine rests upon the principle of self-defense; that is the theory upon which it was promulgated and that is the theory upon which it has been maintained. As it is conceded under this treaty that each nation has the right of self-defense and to determine for itself what constitutes self-defense, it is my opinion that the Monroe doctrine is in no wise embarrassed or curtailed, and neither is the Government of the United States embarrassed in the maintenance of the Monroe doctrine.

A brief reference to the message itself originally announcing this doctrine is sufficient to sustain the theory upon which the Monroe doctrine rests. Mr. Monroe said:

We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. * * * We could not view any interposition for the purpose of oppressing

them or controlling in any other manner their destiny by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States. * * * It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness.

The circumstances under which the Monroe doctrine was announced will be recalled. Certain European powers, then operating largely under an organization known as the Holy Alliance, were engaged either in preventing the independence of South American countries or in destroying the independence of those which had been successful in achieving it. The very basic purpose of the Holy Alliance, notwithstanding it was originally announced as a peace organization, was to destroy all forms of free government. Its great object was to establish and maintain despotic forms of government. Not only, therefore, was the encroachment upon the western continent by the European powers deemed injurious to the United States or a menace to its peace and safety as a general proposition, but the particular philosophy or policy of those who at that time were carrying on this program was deemed especially dangerous to our peace and welfare.

The original purpose of the Monroe doctrine has since been maintained. I am one of those who believe that the Monroe doctrine has been wrenched from its original moorings in many respects, but, nevertheless, it has always been contended that whatever we have done under that doctrine we have done upon the theory of self-defense or for the security and safety of the Nation.

Mr. GLASS. Mr. President—

Mr. BORAH. I yield to the Senator from Virginia.

Mr. GLASS. With respect to an accurate definition of the Monroe doctrine and its scope, I should like to propound an inquiry to the chairman of the Committee on Foreign Relations. Recently there was friction between two South American countries, both of them members of the League of Nations. Suppose, under article 10 of the league covenant, there had been consideration of the question as to how the league would proceed with reference to that quarrel, and it had been determined by the league to interfere in a coercive way against, perhaps, we might say, the offending nation party to the quarrel. What would have been the attitude of the United States toward a decision of that sort, under the Monroe doctrine?

Mr. BORAH. Mr. President, I would hesitate to answer that question offhand; but, in my opinion, the Monroe doctrine would not be infringed or challenged by any effort upon the part of foreign governments amicably or peacefully to arrange the difficulties of two South American countries. If the foreign governments were solely interested in the question of establishing peace between two South American countries, and not in any sense interested in establishing themselves in South or Central America or destroying South or Central American governments, I do not see how the Monroe doctrine would be in any way challenged.

Mr. GLASS. I can not either; but I wanted to be assured as to that.

Mr. CARAWAY. Mr. President, may I ask the Senator from Idaho a question if the Senator from Virginia has concluded?

Mr. GLASS. The Senator may proceed.

Mr. CARAWAY. I want to vote for the ratification of the treaty, but I want to know just where we are going in view of the answer to the question just asked by the Senator from Virginia. Would it be possible for foreign nations to coerce one of the governments referred to and make it yield to the other under the claim of bringing about a peaceful settlement of their controversy?

Mr. BORAH. As I have said, I hesitate to answer that kind of a question. I do not understand that the Monroe doctrine would inhibit a foreign government from undertaking to arrange the difficulties of two South American countries. When it is undertaken to employ the doctrine of force, however, or to coerce one of such governments, there is a possibility involved of the violation of the Monroe doctrine which undoubtedly would interest the United States.

Mr. CARAWAY. The reason I am asking the Senator the question is that one nation at least in its correspondence preceding the ratification of this treaty referred to its obligation under the treaty of Versailles. Under that treaty, of course, if the league should decide to act, force could be used, blockades could be maintained, and so on.

Mr. SWANSON. Mr. President, if the Senator will permit an interruption there, as I understand, the covenant of the League of Nations specifically excludes the Monroe doctrine from its operation. Is not that true?

Mr. BORAH. That was the intention; yes.

Mr. SWANSON. That is what we insisted upon as a condition of going into the league.

Mr. GLASS. But what I am trying to get at is, What is the application of the Monroe doctrine to the case that I stated? I do not think it has a thing in the world to do with it; but I wanted to elude the opinion of the chairman of the Committee on Foreign Relations.

Mr. BORAH. The purpose of the Monroe doctrine, as I understand it, was to prevent European powers from taking possession of the territory of South America—

Mr. GLASS. Exactly.

Mr. BORAH. Or demolishing or breaking down the governments of South America, and establishing on the South American continent their own government or their own control. So long as the purpose of European governments is free from those propositions, I do not know of anything in the Monroe doctrine that would inhibit them from taking part in a peaceful adjustment of South American affairs.

Mr. CARAWAY. Pardon me; I do not understand from the statement of the Senator from Virginia that the foreign governments would—

Mr. REED of Missouri. Mr. President, we are unable to hear what is being said. We should like to hear this colloquy.

Mr. CARAWAY. Personally, I had put this one question.

The PRESIDING OFFICER (Mr. HASTINGS in the chair). Does the Senator from Idaho yield to the Senator from Arkansas?

Mr. BORAH. I yield to the Senator from Arkansas.

Mr. CARAWAY. All I was trying to do was merely to clarify the answer of the Senator from Idaho. I did not quite follow him. If, under the treaty of Versailles, the league should use force—either commercially or the force of arms—to bring about a settlement between South American countries, of course to that extent it would infringe the liberty of those nations. Did I understand the Senator to say that that would not be a violation of the Monroe doctrine?

Mr. BORAH. I said that the Monroe doctrine had for its purpose—

Mr. CARAWAY. I understand its purpose.

Mr. BORAH. I would not undertake to say that a particular situation did not challenge the Monroe doctrine until I knew what all the facts were; but if the nations were engaged in an effort to adjust amicably differences between them, and not in an effort to satisfy their own ambitions or to satisfy their own interests or to establish themselves on the South American continent, I do not see how the Monroe doctrine would interfere.

Mr. CARAWAY. I do not, either, under that statement; but what I am coming to is this: If they may use force to compel a South American nation to accept an agreement, they do establish themselves to that extent upon the Continent of South America, do they not?

Mr. BORAH. No; not necessarily.

Mr. CARAWAY. Why, Mr. President, under the Monroe doctrine we even objected to their taking charge of the customs down in Venezuela to collect foreign debts.

Mr. BORAH. Yes; we objected. But we have not always objected to foreign governments collecting their debts.

Mr. CARAWAY. And we prevented its being done.

Mr. BORAH. We did in some instances. We have done many things under the Monroe doctrine.

Mr. CARAWAY. Even holding elections down there under the Monroe doctrine?

Mr. BORAH. Yes. I presume it was claimed to be under the Monroe doctrine.

Mr. CARAWAY. Well, of course—

Mr. BORAH. Let me say this, and then I will yield to the Senator further: Without, of course, objecting to the question, I do not feel that this question has any relevancy to the treaty before us, for this reason: Whatever the Monroe doctrine is, and whatever we decide the Monroe doctrine to be from time to time, based upon the principle of self-defense, we are just as free to decide and just as free to execute under this treaty as if no treaty had been made, for the reason that the Monroe doctrine is simply an extension of our system of self-defense. Now, we may misconstrue the Monroe doctrine. We may have done so in the past. This treaty will not prevent the misconception, in all probability, if we base it upon the proposition that we are acting under it and acting in defense of our interests.

Mr. CARAWAY. I am inclined to agree with the Senator about that. The thing I wanted to be perfectly clear about was that it was not in the mind of the chairman of the Committee on Foreign Relations that we were conceding to other

people a power to act in South America in connection with this treaty.

Mr. BORAH. No; I do not think this treaty gives them any more right to act than if the treaty did not exist.

Mr. CARAWAY. We are not, then, by our very discussion of it, making any concession that they have any power to coerce South American nations?

Mr. BORAH. Certainly not.

Mr. McLEAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Connecticut?

Mr. BORAH. I do.

Mr. McLEAN. The Senator, of course, is familiar with the resolution introduced by the Senator from New Hampshire [Mr. MOSES]; and I take it, from the very able presentation of the Senator's views with regard to this treaty, that he thinks the Monroe doctrine will be just as safe without the first paragraph of this resolution as with it?

Mr. BORAH. I do.

Mr. McLEAN. Then what is the harm, in the mind of the Senator, in the Senate agreeing with him on this subject, and formally stating that the treaty does not impair or abridge the right of the United States to defend its territory or other vital interests?

Mr. BORAH. When I come to those resolutions, if they are ever presented, I will state why I think that they ought not to be adopted. That would lead me into a field which I have no intention of covering at this time, but I shall be very glad to cover it then.

Mr. McLEAN. I hope, when the Senator does that, he will bear in mind Mr. Kellogg's official communication to the powers delivered on June 23, 1928, in which he defines what he considers to be the right of self-defense—that is, in my opinion, he defines it—and uses the following language:

Every nation is free at all times and regardless of treaty provisions to defend its territory from attack or invasion.

Mr. BORAH. Mr. President, while I do not desire to discuss that at this time, let me say this much: The Senator is now reading from a speech which the Secretary of State made, which speech was transmitted to the other powers; but the Senator omits to read the letter itself.

Mr. McLEAN. No; I am reading from the letter.

Mr. BORAH. Now, let me read from the letter.

Mr. ROBINSON of Arkansas. It ought to read alike, no matter who reads from it.

Mr. BORAH. This is in the letter. The part which the Senator from Connecticut read was in the speech which was incorporated in the letter.

Mr. McLEAN. I am reading from this printed document—

Mr. BORAH. Yes; I know the Senator is, but he is reading from page 37, and I am reading from page 38.

Mr. McLEAN. No; I am reading from page 36.

Mr. ROBINSON of Arkansas. We might have an arbitration to settle this dispute.

Mr. BORAH. In the letter, following the speech, the Secretary of State says:

The right of self-defense is inherent in every sovereign State and implicit in every treaty.

That is the statement of the Secretary of State, without any limitation as to territory or anything else. The French Government used, by way of illustration, the same illustration that the Secretary of State used—that every government had a right to defend its territory. That was simply by way of illustration. But in this letter, and in another letter written by the Secretary of State, he makes no reference whatever to the question of territory, but puts it upon the broad grounds that every government has a right to defend itself, and to determine for itself what constitutes self-defense.

Mr. McLEAN. Precisely. The Monroe doctrine is not mentioned in any of the Secretary's communications; but on the 23d of June, 1928, in his official communication to the powers, I quoted his language at the bottom of the page under the heading of "Self-defense," and I have read to the Senate what he says.

Mr. WATSON. Read it again.

Mr. McLEAN (reading):

Every nation is free at all times and regardless of treaty provisions to defend its territory.

I take it that the Monroe doctrine goes far beyond the defense of our territory; and I am informed that the South American countries object to the ratification of this treaty, or will object, if the Monroe doctrine is mentioned; and I suspect that the language used by Mr. Kellogg in his note to the powers was

very significant when he said that it included the right to defend our territory from attack.

Mr. BORAH. Let me assure the Senator from Connecticut that the reference of territory was not significant in the sense that he was undertaking to limit it in deference to the views of South America.

Mr. McLEAN. Then may I propound another question?

Mr. BORAH. I will ask the Senator to wait until I get through with my reply to his first question. If the Senator would read the entire communication of the Secretary of State he could not reach any other conclusion than that the Secretary of State stated the principle of self-defense in the very broadest terms. The Senator picks a single sentence, but omits to read:

There is nothing in the American draft of an antiwar treaty which restricts or impairs in any way the right of self-defense. That right is inherent in every sovereign State and is implicit in every treaty.

If you are indulging in strict technical interpretation, what are we defending when we are executing the Monroe doctrine? What are we defending?

Mr. McLEAN. That is the point.

Mr. BORAH. We are defending the territory of the United States, and, as Mr. Cleveland said, we are defending our institutions. We are defending our form of government. We are defending the Capitol here just as much as we are defending any portion of our rights.

Mr. McLEAN. I do not agree with that proposition; but the Secretary—

Mr. BORAH. What are we defending when we defend the Monroe doctrine?

Mr. McLEAN. It is very difficult to define the Monroe doctrine.

Mr. BORAH. I am not asking the Senator to define the Monroe doctrine. When we maintain the Monroe doctrine, and seek to enforce it and defend ourselves against its being broken down, what are we defending?

Mr. McLEAN. We may be defending the lives of our citizens abroad. We may be defending their property.

Mr. BORAH. And we may be defending our territory.

Mr. McLEAN. We may be; but we may not be defending our territory when we are defending the lives of our citizens abroad.

Mr. BORAH. Mr. Kellogg does not say we are confined to that.

Mr. McLEAN. But, if the Senator will pardon me, Mr. Kellogg clearly states that the right of self-defense can not be defined. He says it in all of his communications.

Mr. BORAH. And therefore he does not attempt to define it.

Mr. McLEAN. Then he does attempt to define it in the paragraph which I have read. That, I think, is the danger, and that is the reason why I think we should adopt the first section of the Moses resolution. I think the Senator will agree with me that if Mr. Kellogg had inserted, after the word "territory," the words "or other vital interests," it would have indicated a degree of wisdom on his part which I certainly should heartily approve.

Mr. BORAH. I am not clear as to how you would defend other vital interests, separated and divorced from our territory. If we defend our territory, that is one of the items in our self-defense.

Mr. McLEAN. I will not interrupt the Senator further, but I have considerable to say.

Mr. BORAH. I suspect so.

Mr. KING. Mr. President, will the Senator permit me to interrupt him?

Mr. BORAH. I yield.

Mr. KING. I want to understand the Senator. Does the Senator mean that under the clause which he has just read the obligation rests upon the United States to defend South American countries or Latin American countries from invasion by some other country—some temporary intervention?

Mr. McLEAN. No, no. On the contrary—

Mr. KING. I ask because I do not think that is the Monroe doctrine at all.

Mr. McLEAN. On the contrary, my point is that the Secretary of State, in using the language which he did, implied a renunciation of our Monroe doctrine—implied that the right of self-defense in the future would go no further than the right to defend our territory from attack or invasion.

Mr. KING. I do not think his language is susceptible of that construction. I think the Senator from Idaho is right.

Mr. BORAH. Mr. President, I was not discussing the question of self-defense except incidentally, but I will refer to it again, in view of the suggestion of the Senator from Connecticut. I repeat, the language which the Senator from Con-

necticut quoted was in a public address delivered by the Secretary of State before the American Society of International Law on the 28th day of April, 1928. Afterwards the Secretary of State transmitted that address to the powers with reference to this matter.

Mr. McLEAN. As a part of an official communication.

Mr. BORAH. I thank the Senator. After having incorporated it in his letter, he then proceeded to restate it in the letter itself, aside from the address, and in the letter itself he states, as I have said, that "the right of self-defense is inherent in every sovereign state and implicit in every treaty. No specific reference to that inalienable attribute of sovereignty is therefore necessary or desirable."

That is the language of the Secretary of State in the letter itself. There are no limitations, and there is no specific reference to property or territory, but the general statement that the right of self-defense is inherent in every sovereign. That is his last and final statement, a statement which the Senator from Connecticut is unable to find or to read after it has been called to his attention.

Mr. WATSON. Mr. President, may I interrupt the Senator?

Mr. BORAH. Certainly.

Mr. WATSON. Has the Secretary of State stated in any of his correspondence or in any public address that the maintenance of the Monroe doctrine is a part of our system of self-defense?

Mr. BORAH. He stated that before the Committee on Foreign Relations and it has been published. Again, the Secretary of State, in another address, speaking on this same subject, said:

The question was raised as to whether this treaty prevented a country from defending itself in the event of attack. It seemed to me incomprehensible that any nation should believe that a country should be deprived of its legitimate right of self-defense. No nation would sign a treaty expressly or clearly implying an obligation denying it the right to defend itself if attacked by any other country. I stated that this was a right inherent in every sovereign state and that it alone is competent to decide whether circumstances require resort to war in self-defense. If it has a good cause the world will applaud it and not condemn it.

Mr. JOHNSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from California?

Mr. BORAH. I yield.

Mr. JOHNSON. At this point, upon this subject, I would like a very brief elucidation, which may be reached, I think, by a question, if the Senator will permit me.

Suppose this treaty, in the opinion of the Senator, did not protect the Monroe doctrine, would the Senator favor, then, either a reservation or an explanatory clause that would afford that protection?

Mr. BORAH. Yes; if I did not believe that the Monroe doctrine was fully protected, I would not hesitate to join in a resolution that would accomplish that end.

Mr. JOHNSON. The Senator believes in the Monroe doctrine, does he not?

Mr. BORAH. Yes.

Mr. JOHNSON. I ask that because of the Senator's remark that he thought it had been wrenched far from its moorings. Nevertheless, in the doctrine in its pristine purity he believes?

Mr. BORAH. The doctrine as announced I believe in, not as it has been too often misconstrued.

Mr. JOHNSON. Under the right of self-defense, every act that might be undertaken by this Nation under the Monroe doctrine could be undertaken with this treaty in full force and effect, is the position of the Senator?

Mr. BORAH. I have no doubt of that.

Mr. JOHNSON. That is equally so, is it not, in respect to every other signatory to the treaty?

Mr. BORAH. With reference to the Monroe doctrine.

Mr. JOHNSON. No; I mean with reference to any right of self-defense.

Mr. BORAH. Unquestionably.

Mr. JOHNSON. Does the Senator not construe the British note as a reservation or a condition to the execution of this treaty?

Mr. BORAH. I construe the British note the same as I construe Mr. Kellogg's statement, as a construction of what the British understand the principle of self-defense to be under the treaty. They undertake to state what they conceive to be self-defense as applied, as they say, to their territory.

Mr. JOHNSON. Their intimation is, if I may use the expression, that they announce now a Monroe doctrine in reference to certain regions of the world, and that they will insist upon the execution of that doctrine so far as they are con-

cerned. The Senator, of course, is much more familiar with the language than I am, but the British note says in so many words:

It must be clearly understood that His Majesty's Government in Great Britain accept the new treaty upon the distinct understanding that it does not prejudice their freedom of action in this respect.

That is, in relation to either interference with or attack upon the regions of the world in which Great Britain has an interest.

Mr. ROBINSON of Indiana. Or claims an interest.

Mr. JOHNSON. Yes. Does not that language make this treaty dependent upon the condition that is thus written by Britain in reference to it?

Mr. BORAH. No; if I understand the Senator's question correctly. I do not understand that the British note changes the treaty in any respect whatever or gives Great Britain any other rights than Great Britain would have had had she never written the note.

Mr. JOHNSON. I do not quarrel with the Senator's construction in the slightest degree in that regard, but some one in Great Britain, some statesmanlike mind, must have looked at the situation a little differently from the way in which we are now looking at it, because Britain writes, first, Britain's interest in certain regions of the world, and then writes distinctly that this treaty is executed upon the condition that Britain may act in reference to those regions of the world.

It is found on page 28, paragraph 10 of the Chamberlain note. The Senator is thoroughly familiar with it.

Mr. BORAH. Yes; I have it here.

Mr. JOHNSON. So, what we pass here as being wholly unnecessary somebody there deemed to be of very grave importance. Is not that a fair inference?

Mr. BORAH. That is possibly a fair inference. The British Government deemed it important to make clear what they regarded as self-defense under the conditions of their far-flung territory.

In order that I may be distinctly understood, my contention is, Senator, that had she never written this note at all Great Britain would have had the same right that she would have under the note, because it was up to her all the time to construe the question of self-defense, and that is what she is doing in the note. It was up to her all the time to say what constituted self-defense in her mind, and that is what she did in the note.

If I may be permitted to pass in judgment upon the acts of such able men as the British Government had representing them in this matter, I think the position of the United States, if we are going to adopt a technical construction, is infinitely stronger than that of the British Government, because the British Government refers to certain regions, and afterwards in debate in the House of Commons undertakes to indicate those regions. If we should adopt a strict construction, they having named one proposition, the rule would exclude them from including others, while we are acting under a general principle and may adopt the principle of self-defense anywhere, or under any circumstances, or in any region where we regard it as necessary for our safety.

Mr. JOHNSON. The point I was trying to suggest was this, not that the Senator's construction is at all erroneous, but that it was deemed essential by the British, in order to exercise hereafter what he terms the right of self-defense, specifically to designate it and to make as a condition precedent to the execution of this treaty the reservation of that right. So that they disagree, I think, with the view that we may have in regard to the breadth of the right of self-defense.

The language of that section the Senator read yesterday, but I recall it to him by simply saying, realize the indefiniteness of it, first, then the utter clarity and emphasis with which the British Government reserves its rights.

There are certain regions of the world the welfare and integrity of which constitute a special and vital interest for our peace and safety. His Majesty's Government have been at pains to make it clear in the past that interference with these regions can not be suffered. Their protection against attack is to the British Empire a measure of self-defense. It must be clearly understood that His Majesty's Government in Great Britain accept the new treaty upon the distinct understanding that it does not prejudice their freedom of action in this respect.

If we had the same view that is apparent here, we, too, would sign this treaty upon the distinct understanding that the regions in which we are interested should always be subject to our right of self-defense, if we use that term, or subject to such peculiar rules or regulations or policies as we might have in respect to those regions. I was merely calling the attention of the Senator to the difference between the attitude we take

here and the attitude that obviously was taken by the British in this matter.

Mr. BARKLEY. Mr. President, in that same connection will the Senator permit a question?

Mr. BORAH. Will not the Senator permit me to answer the Senator from California so that I may keep order between the different parts of the Chamber?

The Senator from California has stated that the British Government deemed it important to make this statement as an expression of its idea of what constituted self-defense, and that it signs the treaty with the distinct understanding that in that respect it will exercise the right of self-defense.

We sign this treaty with the distinct understanding, so expressed by the Secretary of State, that we will exercise the right of self-defense according to our judgment and according to our discretion. There is no difference between the two propositions. Let me read what the Secretary said.

Mr. GLASS. Mr. President, before the Senator reads that, the Senator from California has added tremendously to our conception of the Monroe doctrine and to the pending treaty by saying that the treaty would be signed subject to any rules or regulations this Government may make with respect to the matter.

Mr. JOHNSON. The Senator may omit "rules and regulations," if he desires. Call it the Monroe doctrine alone.

Mr. GLASS. I wanted the Senator from California to omit "rules and regulations."

Mr. JOHNSON. It is of no consequence.

Mr. GLASS. That takes in a very wide scope.

Mr. JOHNSON. What is it that the British exception takes in? Is the Senator aware?

Mr. GLASS. I think it is a British Monroe doctrine.

Mr. JOHNSON. A British Monroe doctrine, not expressed at all, or expressed in the most general terms.

Mr. BORAH. It could not be any more general than the Monroe doctrine in the United States.

Mr. JOHNSON. Oh, yes, indeed.

Mr. BLAINE. Mr. President, will the Senator yield?

Mr. BORAH. Just one moment. I want to carry along this discussion with a degree of connectedness, if possible.

The same authority that wrote this note, the same representative of the British Government, in discussing this matter in the House of Commons, said this:

The honorable gentleman found fault with the wording of my note with respect to the passage dealing with self-defense. He appeared to think that that was something which I had added, and that it had no parallel in the American note.

Then he said:

I venture to think that it does no good to put about those exaggerated suspicions, and that it will be much more helpful to say, what is the fact, that our doctrine is exactly comparable to that of the American Government, that it is not a doctrine of aggression, that it is not a desire for territorial expansion, but a pure measure in self-defense necessitated by the geographical position of the Empire.

It is just the same proposition, in my judgment. Great Britain would not be stretching the principle of self-defense in defending those regions of country any more than we would be stretching the principle of self-defense if we should undertake to defend Patagonia against some foreign power.

It would be just as difficult—yes; far more difficult—to associate the conditions in Patagonia with the welfare and peace and safety of the United States than it would to associate the regions around the Suez Canal with the safety and security of the British Empire. I can well imagine, as can the Senator, that if the British Empire were in a controversy with a certain great power in Europe and they should begin to maneuver in the region which is designated by Sir Austen Chamberlain or in the region of the Suez Canal, it would be regarded as a menace to the British Empire. It would be taking possession of a part of the territory which, if in the possession of the enemy, would make it impossible for the British Empire to conduct connectedly her military affairs. So, as I see it, there is no difference in the two propositions whatever.

Mr. JOHNSON. I am not arguing that there is any difference in the two propositions.

Mr. BLAINE. Mr. President, I have asked the Senator to yield to me.

Mr. BORAH. I beg the Senator to let me conclude this proposition before I yield to anyone else.

Mr. JOHNSON. Just let me finish this colloquy with the Senator from Idaho, and then I shall yield with apologies to the Senator from Wisconsin.

Let us concede there is no difference in the two propositions. That was not the point I had in mind when I rose and ques-

tioned the Senator. Britain felt it necessary to state that position accurately. Is it the Senator's position that our country has up to this time accurately stated its position as well?

Mr. BORAH. Yes; that is exactly my position.

Mr. JOHNSON. And that that occurs in the Kellogg note and the Kellogg speeches?

Mr. BORAH. Yes; it is stated in the Kellogg note and in the Kellogg speeches, and aside from that, in my judgment, it would have been the same, so far as execution of the treaty is concerned, if neither one of the parties had ever written a line about it.

Mr. JOHNSON. Then is the Senator's position that it is inherent in the treaty?

Mr. BORAH. Exactly. Safer there than it could ever be under a reservation, for there it is inherent and inalienable.

Mr. JOHNSON. And required no statement either by Britain or the United States?

Mr. BORAH. Exactly.

Mr. JOHNSON. But that both countries have stated with exactness, so far as our doctrine is concerned, their position?

Mr. BORAH. Yes.

Mr. BLAINE. Mr. President—

Mr. BORAH. I think I am under obligation to the Senator from Kentucky [Mr. BARKLEY], who rose a few moments ago.

Mr. BARKLEY. In the same connection to which reference has been made by the Senator from California, after Sir Austen Chamberlain stated the position with reference to certain regions of the world, he had this to say:

The Government of the United States have comparable interests, any disregard of which by a foreign power they have declared that they would regard as an unfriendly act.

Of course, he refers there to the Monroe doctrine. It seems from the correspondence that the British Government felt itself obligated, in the interest of fairness and honorable dealing with all of the signatories to this treaty, to serve notice upon them that in the application of the treaty hereafter it would regard itself as bound to protect the various regions to which reference is made. Sir Austen seems to make an effort to link it up with the Monroe doctrine. In the reply of the Secretary of State no reference is made to that suggestion of Great Britain and no reference is made to the various regions. Secretary Kellogg does not either confirm or deny the right of the British Government to take that attitude with reference to the treaty. Neither does he deny nor confirm the inference made by Sir Austen Chamberlain with reference to the Monroe doctrine.

Does the Senator from Idaho attach any importance to the fact that the Secretary of State in all this correspondence makes no mention whatever of this particular doctrine of the United States? While he discusses in general terms the right of self-defense and leaves each nation to determine when that right shall be exercised and in what part of the world, he seems to avoid any discussion of the question either through fear that it might be Pandora's box which might embarrass the Nation or because of some other reason. I would like to inquire of the Senator if he thinks any importance is to be attached to the fact that our Secretary of State enters into no discussion of that question at all in any of the correspondence between himself and the other side?

Mr. BORAH. The reason why the Secretary did not, as I understand—and I am quite sure I am correct—is that the Secretary of State stated the principle of self-defense, that it was inherent, as I said, and could not be denied to a sovereign power; that it was implicit in the treaty, and that he regarded and does regard the Monroe doctrine as much a part of our self-defense as the protection of any part of our territory, or any other interest.

Mr. BARKLEY. It might have been a little more illuminating if in connection with the British note there had been some reference to it so we might have avoided the apprehension that some Senators now seem to feel.

Mr. BORAH. Of course that is true; that is to say, as we look back over the correspondence in this way we can see things that might have been done to make it more explicit. But I want to say for the Secretary of State, that he brought this treaty before the Committee on Foreign Relations as it was proposed by Briand. Throughout voluminous correspondence running over a year he held the treaty to the exact words as it came to us in the first instance. He declined in different ways to accede to suggestions, and maintained the treaty as it was originally proposed. Mr. President, the reason why he did not mention the Monroe doctrine, or one reason at least, was because he has always taken the position that there was no occasion for mentioning it in view of the fact that the Monroe doctrine is a part of our self-defense.

Mr. REED of Missouri. Mr. President—

Mr. BORAH. I yield to the Senator from Missouri.

Mr. REED of Missouri. Does the Senator mean to say that that is the only reason why the Monroe doctrine was not mentioned?

Mr. BORAH. I said that was one of the reasons and, in my opinion, in the first instance the controlling reason.

Mr. REED of Missouri. I would not want to concede that that was the only reason, because I think there was another very material reason that I do not want to go into at this moment. I do not think there will be any dispute between the Senator and myself as to the facts if it becomes necessary to state them.

Mr. BORAH. No; there will be no dispute, in my judgment, between the Senator and myself as to the facts. There may be a difference of view as to the inferences to be drawn from them.

Mr. BLAINE. Mr. President, will the Senator now yield to me?

Mr. BORAH. Yes; I yield to the Senator from Wisconsin.

Mr. BLAINE. In connection with the very matter which the Senator from Idaho is discussing, I want to call his attention to what appears to be a sort of double-barreled proposition on the part of the British Government. Our Secretary of State, in all of his diplomatic notes and different speeches, has referred to the subject of self-defense generally. He did so in his final note of June 23, 1928, and so treated it in the first numbered paragraph of that note. The British Government prior to that, on May 19, must have had a different conception of the question of self-defense than had our Secretary of State, for in the British note of May 19 Chamberlain first takes out the question of general self-defense or self-defense in general and in paragraph 4 of his note had this to say:

After studying the wording of article 1 of the United States draft, His Majesty's Government do not think that its terms exclude action which a State may be forced to take in self-defense. Mr. Kellogg has made it clear in the speech to which I have referred above that he regards the right of self-defense as inalienable, and His Majesty's Government are disposed to think that on this question no addition to the text is necessary.

Then under paragraph 10 of the same note Chamberlain engrafts upon the subject and upon the treaty a new proposition.

Mr. BORAH. I do not think so.

Mr. BLAINE. At least the British Government must have conceived the situation to be that the general discussion on the question of self-defense was not sufficient, and therefore proposed to make a special exception in reference to the formula or policy concerning self-defense. Since the British Government concedes that the definitions applied by our Secretary of State and himself in the diplomatic notes was not sufficient to be all inclusive of the right of self-defense, why should not the United States also follow the very assumption of the British Government and engraft upon the treaty an interpretation with respect to the Monroe doctrine and its application?

Mr. BORAH. I think I have made myself as clear as I can upon that proposition. I will repeat, however, that in my opinion the British Government was seeking to do nothing more than by way of illustration to state its conception of self-defense under the treaty. It would have had just the same freedom had it never said anything.

Mr. BRUCE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Maryland?

Mr. BORAH. I yield.

Mr. BRUCE. May I ask the Senator just a single question, because I want to understand clearly his position? As I understand, the position of the Senator is that it makes no difference whether Great Britain asked for any such reservation or not, and it makes no difference whether we make any reservation with regard to the Monroe doctrine, because whatever any nation under this treaty chooses to call self-defense is, for the purposes of the treaty, self-defense.

Mr. BORAH. Undoubtedly, and that is the reason why these technical discussions in the Senate will never be of any practical value when the exigency arises. Each nation will determine for itself, under the circumstances as they arise and the conditions which are presented, what it conceives to be self-defense. As I said yesterday, undoubtedly that is regarded by men, and by the able Senator from Maryland in all probability, as a great weakness of the treaty. I regard it as a weakness inherent in human nature of any condition which I know of no way at this time to obviate. I know of no way by which to take away from a nation the right of self-defense.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield for a question?

Mr. BORAH. I yield.

Mr. ROBINSON of Arkansas. The Senator just stated that he knows of no way to take away from a nation the right of self-defense. The Senator did not mean to imply by that that he would like to find a way to accomplish that end, did he?

Mr. BORAH. No indeed. I say I know of no way; but even if a way were suggested as proposed, I am not desirous of depriving any country of that right. If we undertook it, of course, it would be perfectly futile. I do not desire to subscribe to a supergovernment to exercise for us the right of self-defense instead of exercising it ourselves; so I have no desire to undertake to find a way.

Mr. GEORGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. BORAH. I yield.

Mr. GEORGE. I merely want to say that, as I interpret the Senator's position, the treaty neither enlarges nor restricts the right of national self-defense.

Mr. BORAH. The Senator is quite right.

Mr. GEORGE. It neither enlarges nor restricts nor in any way amends the Monroe doctrine?

Mr. BORAH. The Senator is quite right.

Mr. EDGE. Mr. President, may I ask a question? As I understand the Senator from Idaho he goes further and expresses the opinion that if any effort had been made to define what constituted self-defense such limitation would leave a decision more contracted than it is under the terms of the treaty? In other words, any limitation would naturally place a nation in the position that it must remain within the limitation?

Mr. BORAH. Certainly. If you would undertake to define self-defense what would you say? That it was the right to defend yourself.

Mr. EDGE. In that regard these few lines from Secretary Kellogg's statement appeal to me as being very appropriate to that contention:

Inasmuch as no treaty provision can add to the natural right of self-defense, it is not in the interest of peace that a treaty should stipulate a juristic conception of self-defense, since it is far too easy for the unscrupulous to mold events to accord with an agreed definition.

I repeat, I think that is very appropriate.

Mr. BORAH. The Supreme Court of the United States has always very carefully refused to undertake to define "due process of law," and I think it would be just as difficult to define self-defense. Such a definition would amount to absolutely nothing until the facts in a particular case were known.

Mr. McLEAN. Mr. President, I should like to call the attention of the Senator from New Jersey to the fact that—

Mr. BORAH. Well, the Senator from New Jersey has not the floor.

Mr. McLEAN. Very well.

Mr. BORAH. I am willing to answer questions, but I do not want Senators to engage in debate in my time.

Mr. BINGHAM. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Connecticut?

Mr. BORAH. I yield.

Mr. BINGHAM. Does the Senator contend that the right of self-defense covers our right to protect our citizens and their property in whatsoever part of the world they may be?

Mr. BORAH. Yes; I stated that on yesterday. But that right may also be invoked under another principle.

Mr. SHIPSTEAD. Mr. President, will the Senator from Idaho yield to me?

Mr. BORAH. I yield to the Senator from Minnesota.

Mr. SHIPSTEAD. Is it the Senator's understanding that the letters that have passed between the Secretary of State and various foreign countries become, with the signature of the treaty, the common understanding of the signatories as to what the treaty means?

Mr. BORAH. Yes; written interpretations of the treaty. France and Great Britain, and I think also Germany referred to their notes as interpretations—not as reservations but as interpretations—of the treaty. That is all they are. The signatories could have just as easily made the interpretations afterwards as before.

Mr. SHIPSTEAD. I desire to ask the Senator from Idaho another question. Those interpretations of the treaty were accepted by all who signed the treaty? Is that the Senator's understanding?

Mr. BORAH. No; the interpretations of Great Britain, for instance, were not accepted by some of those who adhered to the treaty.

Mr. SHIPSTEAD. Does the Senator understand that they are accepted by us?

Mr. BORAH. Yes; as we construe them. Great Britain was doing nothing more than interpreting her idea of self-defense, and we accept her construction of it; that is, the construction that she decides for herself and determines for herself what is self-defense. That was in the treaty, anyway.

Mr. SHIPSTEAD. Then, if I may ask the Senator another question, at some time in the future if a controversy should arise, and the treaty should have to be interpreted, is it the Senator's understanding that the parties to the controversy would be forced to go back to the official interpretation given to the treaty before it was signed in order to apply the treaty to the future controversy?

Mr. BORAH. The treaty would be applied to the future controversy; in other words, in my opinion, these notes do not add anything to the treaty nor take anything from the treaty. Therefore when we come to apply the treaty or to interpret the treaty upon a state of facts we shall have to go to the treaty.

Mr. SHIPSTEAD. Does the Senator mean the treaty exclusive of the notes?

Mr. BORAH. Absolutely. Do not understand that I contend that a treaty might not be modified by notes, but what I contend is that the notes referred to did not undertake to modify the pending treaty. They simply placed a construction upon the treaty which anyone accepts, because it is in the treaty itself, and would have been there had the notes never been written.

Mr. BLAINE. Mr. President, will the Senator yield to me?

Mr. SHIPSTEAD. I shall be through in just a moment. I do not want to be obstreperous.

Mr. BORAH. Not at all.

Mr. SHIPSTEAD. I am making these inquiries for my own information.

Mr. BORAH. In so far as I am able to do so, I am willing to satisfy the Senator from Minnesota.

Mr. SHIPSTEAD. As I understand the Senator's point of view, he regards these notes as being a part of the treaty?

Mr. BORAH. No; I do not in the sense in which I think the Senator is now asking the question. I regard these notes in the light of the fact that they add nothing to the treaty nor take anything from the treaty as having no legal effect whatsoever.

Mr. SHIPSTEAD. The notes are a part of the treaty without adding anything to it or taking anything from it.

Mr. BORAH. I say that the notes are interpretative.

Mr. SHIPSTEAD. Yes; and are official because they were accepted by those who signed the treaty. Is that the Senator's understanding?

Mr. BORAH. No. In other words, when the Senator says "accepted" he means accepted in the sense there resulted a different understanding of the treaty than it would have had if the notes had not been written. Of course, we accepted the notes, we received them, but we did not in any way modify our views as to the treaty, and the notes did not modify the treaty. Therefore, when it is undertaken to interpret the treaty in the future, it will be interpreted just as if the notes had never been written. I take that position, and I want it to be distinctly understood.

Mr. SHIPSTEAD. Mr. President, I should like to ask another question of the Senator for the sake of clearing up a little difficulty which I have in understanding this problem. In November, 1850, we signed a commercial treaty with Switzerland and certain notes passed in connection with that treaty. They were not physically a part of the treaty which was signed but certain interpretative notes passed between the two Governments. No controversy arose until 1898 when Switzerland came with certain claims.

The United States Government replied that the claims were contrary to the established policy of the Government of the United States. The Swiss Government referred the Government of the United States to the interpretative notes which had passed prior to the signature of the treaty. When that fact was called to the attention of John Hay, he immediately capitulated and said that justice and honor demanded that the interpretation of the treaty at the time it was signed would have to govern action under the treaty in 1898. Now I want to know if the Senator draws a line of distinction between the notes passed in 1850 between the Government of the United States and the Government of Switzerland and the notes which have passed in the negotiation of the pending treaty?

Mr. BORAH. Not at all. I am familiar in a general way with the incident to which the Senator refers, and I do not draw any distinction as to the reception of the notes, but in the Swiss incident there was an interpretation placed upon the treaty different from what the interpretation of the treaty would have been had the notes not been written. I want to make my contention plain. I do not contend, as I have said

over and over again, that the interpretation of a treaty may not be changed by a note or notes, but what I contend in this instance is it has not been done, because the governments responsible for the notes have said nothing in the notes that is not in the treaty without the notes. If they had made some statement in their notes which was not contained in the treaty, under a fair interpretation of it, the Senator would have his Swiss case, but that is not this instance. For example, let me ask the Senator a question: Suppose in the future the question should arise as to what constituted self-defense in a particular transaction, what possible light would the statement of Mr. Kellogg throw upon the treaty, what possible light would the statement in the English note throw upon the treaty, when both of them do nothing more than confirm the proposition that each nation has a right for itself to determine what is self-defense?

Mr. SHIPSTEAD. And within that right to determine that wars conducted by the League of Nations come within the right of self-defense?

Mr. BORAH. Certainly, if the facts and conditions are such as to reach this treaty.

Mr. BLAINE. Mr. President—

Mr. BORAH. I yield to the Senator from Wisconsin.

Mr. BLAINE. Is it the Senator's conception that when America adheres to this treaty, if we shall adhere, that action is a recognition of the claim of the British Government under paragraph 10 of the British note of May 19, 1928?

Mr. BORAH. It is a recognition of the right of the British Government to construe the doctrine of self-defense to apply to any territory which she conceives it to be necessary to apply it for protection.

Mr. BLAINE. Then, it is a recognition that Great Britain may extend any doctrine she may pronounce to any portion of the world in which she has a special interest?

Mr. BORAH. Undoubtedly. She has the right to make the construction; whether the public opinion of the world would sustain her may be a different thing.

Mr. BLAINE. And that we recognize that from the beginning of this treaty?

Mr. BORAH. Yes. We recognize it by this treaty, and we would recognize it if the British Government had pursued the policy of remaining silent and signing the treaty without a word.

Mr. BLAINE. Is it not a fact that the American Monroe doctrine was never recognized by any document or by any diplomatic note by any government until the recognition in the covenant of the League of Nations?

Mr. BORAH. I believe so; but we are neither recognizing nor refusing to recognize the Monroe doctrine here; we are recognizing the doctrine of self-defense, and in the doctrine of self-defense is included the Monroe doctrine.

Mr. SWANSON. Mr. President, if the Senator will permit me—

Mr. BLAINE. So that any nation can give justification to its acts by sanctifying that act as an act of self-defense?

Mr. BORAH. Exactly. As I said yesterday, that may be regarded by some as the weakness of this treaty; we have got to leave it to each signatory of the treaty to determine for itself what is self-defense. It may construe the treaty out of all reason, and there is no one to censor it except the public opinion of the world. I know of no way to curtail that right. I would not any more take it away from Great Britain with her world-wide territories than I would take it away from the United States. Great Britain must be the judge, and she must answer to the conscience of the world whether she has acted in good faith in construing it. There is no superior court or other tribunal to which appeal can be made except the judgment of the world.

Mr. BLAINE. Let us assume a situation that might well occur: India, having something over 300,000,000 subjects, under the jurisdiction and sovereignty of the British Government, might assert her independence and the American Government might find itself in a situation whereby it would be to its advantage and that of civilization to take a certain course in connection with that assertion of independence by the people of India which would in effect border upon an act of war. Are we not by this treaty recognizing that we have no right to do that; that we must first submit the case to some tribunal, some organization for a pacific settlement; and are we not binding ourselves against any act in reference to the possible independence of the nations that are now under the British dominion?

Mr. BORAH. Mr. President, if the Indian Government should undertake to establish its independence, undoubtedly the British Government under this treaty would have a right to pursue such course as would retain the Indian Government

under British dominion; and the United States would have no right whatever to interfere in that matter. She has not now any right to do so.

Mr. WALSH of Montana. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Montana?

Mr. BORAH. I yield.

Mr. WALSH of Montana. Some of the passages that have taken place might possibly lead to the conclusion that if Great Britain waged any kind of a war, and claimed to be doing it in self-defense, the other nations signatory to the treaty would be estopped from asserting that she was not acting in self-defense.

Mr. BORAH. Oh, yes.

Mr. WALSH of Montana. I hope the Senator will make that clear.

Mr. BORAH. Certainly. For instance, when the situation arises and the conditions are presented, and Great Britain acts upon the theory of self-defense, the United States is not bound to accept Great Britain's judgment. We may freely disagree with that proposition. The whole world may freely disagree with it. She may be morally condemned for any such course, and likely would be if it did not meet with the ordinary principles of self-defense. The treaty does not involve us in a combine to approve what any particular signatory of the treaty says is self-defense; but if they act upon it and violate the treaty, we are relieved from the obligations of the treaty.

Mr. WALSH of Montana. I ask the question because in one of the articles introduced in the RECORD yesterday by the Senator from Wisconsin [Mr. BLAINE] the statement is made that we sanction any war in which Great Britain may choose to engage. I should like to have the views of the Senator from Idaho on that subject.

Mr. BORAH. Of course, I have read that article. I really do not know upon what theory that assertion is made. We do not sanction any war, Mr. President. The very object and purpose of this treaty, the fundamental principle upon which it is written and rests, is to condemn all war, to reject force in the settlement of international affairs. By no possible construction can it be said that we have sanctioned any war either that Great Britain may wage or that any other country may wage. We do not sanction any war that the league may wage.

We do not sanction the use of force anywhere. If Senators will read this treaty, and take the treaty for what it says and not what it has been asserted that it says, they will come to the conclusion that there is just one fundamental principle in the treaty, and that is a solemn pledge upon the part of these nations, representing now practically all the inhabitants of the earth, that they will not seek other methods than peaceful methods for the settlement of their controversies.

It may be said that that is not much. I think it is a stupendous fact. I think the fact that 60 nations, representing the inhabitants of the earth, can be drawn together in a solemn pledge, backed by the conscience and the moral forces of their people, that henceforth they will pursue no course save that of peace, is a stupendous fact. We have been so thoroughly saturated, however, with the idea that there is nothing in international affairs save force, that we can give no credence to anything save that which is backed by an army and a navy.

I undertake to assert that the greatest factor in international affairs to-day is the moral forces of the masses of mankind; and this is an attempt to mobilize those forces.

Mr. FESS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Ohio?

Mr. BORAH. I yield.

Mr. FESS. Has there ever been an attempt in international law to define self-defense?

Mr. BORAH. No; not to define it. A great many international-law writers say that the right of self-defense among nations is as inherent and inalienable as the right of self-defense among individuals.

Mr. FESS. The omission of it in this treaty is not due to a desire to avoid it; but it is difficult to define.

Mr. BORAH. You could not define it. Suppose you attempted to define self-defense as to yourself; what would it be? The right to defend yourself. Suppose a nation undertook to define self-defense: It is the right of the nation to defend itself.

Mr. FESS. That is the reason why we leave it to each individual nation to determine what self-defense is.

Mr. BORAH. Exactly.

Mr. FESS. And, while that is the weakness of the treaty, it can not be corrected.

Mr. BORAH. I have said that some will regard it as the weakness of the treaty, and of course it is, from one viewpoint. From another viewpoint it is the strength of the treaty.

Mr. TYDINGS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Maryland?

Mr. BORAH. I yield to the Senator.

Mr. TYDINGS. I should like to ask the Senator whether it is his opinion that the right of self-defense precedes the duty to arbitrate, or whether the duty to arbitrate precedes the right of self-defense?

Mr. BORAH. As I said yesterday, under Article II we agree to pursue no other course than that of peaceful means in the settlement of international affairs. If a controversy should arise between this Government and another government, it would be the duty of this Government to call attention to Article II and undertake to bring about a peaceful settlement and adjustment of the matter by peaceful means. Undoubtedly that would be the first thing we would do. If the other nation declined to settle it by peaceful methods and rejected all our overtures, that government would be in a rather difficult position before the world if it claimed that it was acting in self-defense.

Mr. TYDINGS. The thought I had in mind was that inasmuch as the right of self-defense is inherent in each nation signatory to the treaty, the right of self-defense, if that nation considers it necessary to exercise it, precedes the right to arbitrate, even though the second article specifically binds the nation to arbitrate all disputes.

Mr. BORAH. Of course, the idea of self-defense necessarily involves an attack from somebody. If the attack comes, of course, the most fundamental right, the first right, is that of self-defense; but under Article II you can go far toward preventing that attack, assuming that the nation is acting in good faith.

I think I said yesterday, but this matter has continued to such an extent that I am not clear as to what ground I have covered, that there is really nothing in this treaty except the doctrine which the United States has advocated ever since its natal hour, and that is the settlement of all controversies through peaceful means, if it is possible to do so. We have now an opportunity to extend this doctrine to the world. I think it a marvelous achievement.

Mr. TYDINGS. Mr. President, as I understand, the whole idea of the treaty is to arbitrate everything.

Mr. BORAH. Not to arbitrate, but to settle through peaceful means. The controversy may be settled through diplomatic methods or any other method of peaceful settlement.

Mr. TYDINGS. But, at the same time, I think the treaty would give any nation which was a party to it the right of self-defense before it was asked to arbitrate the matter or settle it through peaceful channels, if that nation saw fit to settle it by the exercise of the right of self-defense.

Mr. BLAINE. Mr. President, will the Senator yield for another question?

Mr. BORAH. I yield.

Mr. BLAINE. Assuming that paragraph 10 of the British note had been the declared British policy prior to our American Revolution, could Lafayette have come to America under the circumstances that he did, and could Franklin have gone to France under the circumstances that he did, without having involved France in war with the British Government?

Mr. BORAH. Lafayette got to America by stealing away from the espionage of his king. Lafayette did not come here by authority of the French Government or by authority of anybody that would be bound by a treaty. Lafayette stole away, and came here in the first instance really as a fugitive from his government, because his government was not willing for him to come. So that the illustration is not, in my judgment, applicable, because he was not representing any government which would have been bound by a treaty.

Mr. BLAINE. I associated Franklin with the acts of Lafayette. Franklin did not steal his way into France, and when he reached France he was not there regarded as a criminal nor a fugitive; and France did certain acts—not only the French citizens, but, as well, the French Government—acts that to-day would be regarded as hostile acts; acts that in my opinion would have involved France in war if paragraph 10 of the British note had then been the declared policy of the British Government.

Mr. BORAH. In my opinion, the treaty would not have any application to the Franklin episode at all, and very little to the Indian episode; because if India should undertake to establish her independence, and should proceed to the point

where she was sending representatives to other governments and seeking to establish diplomatic relations with the other governments, the Government of the United States, under this treaty, would have the right to exercise its discretion as to whether the time had arrived under international law when it could justly recognize that government and receive its ambassadors; and this treaty would not have the slightest effect upon it.

Mr. FLETCHER. Mr. President, may I suggest, somewhat in line with the inquiry by the Senator from Maryland [Mr. TYDINGS] as to whether a country signing the treaty would be obliged to resort to pacific means before exercising the right of self-defense, that it would depend altogether upon the circumstances and the facts; would it not?

Mr. BORAH. Exactly.

Mr. FLETCHER. If one government actually attacked another, that government would have the right to defend itself without any diplomatic exchanges.

Mr. BORAH. Precisely. I perhaps misunderstood the Senator, but the Senator's interpretation is undoubtedly correct. It would depend entirely upon the circumstances. If the United States or any other Government was attacked, of course it would have the right to invoke the principle of self-defense instantly, because that is what self-defense is.

Mr. TYDINGS. If the Senator will yield, the point I was trying to bring out was that the right of self-defense is paramount to every other right or statement in the treaty.

Mr. BORAH. Whenever the facts put it into operation.

Mr. President, I was discussing the Monroe doctrine when the principle of self-defense was again brought into the discussion; and notwithstanding it will be somewhat disconnected, I think I ought to put into the RECORD some excerpts in regard to the Monroe doctrine as it relates to the question of self-defense.

Mr. Root, in the *Journal of International Law* in July, 1914, says:

The doctrine is not international law, but it rests upon the right of self-protection; and that right is recognized by international law. The right is a necessary corollary of independent sovereignty. It is well understood that the exercise of the right of self-protection may, and frequently does, extend in its effect beyond the limits of the territorial jurisdiction of the State exercising it. * * * Since the Monroe doctrine is a declaration based upon this Nation's right of self-protection, it can not be transmuted into a joint, or common, declaration by American States, or any number of them.

Again, he says:

It is to be observed that in reference to the South American governments, as in all other respects, the international right upon which the declaration expressly rests is not sentiment or sympathy or a claim to dictate what kind of government any other country shall have, but the safety of the United States. It is because the new governments can not be overthrown by the allied powers "without endangering our peace and happiness" that "the United States can not behold such interposition in any form with indifference."

Mr. Cleveland, in his message in 1895, said, speaking with reference to the Monroe doctrine:

The doctrine upon which we stand is strong and sound because its enforcement is important to our peace and safety as a nation, and is essential to the integrity of our free institutions and the tranquil maintenance of our distinct form of government.

That is the well-stated, briefly stated, succinctly stated principle of the Monroe doctrine.

Mr. REED of Missouri. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BORAH. I do.

Mr. REED of Missouri. Would it interrupt the Senator if I called his attention to the fact that the British minister, in the notes discussing the Venezuelan controversy, or at least in his public statements, declared that the Monroe doctrine was a bit of American impudence, and that it never had been recognized?

Mr. BORAH. There have been Englishmen who transgressed the laws of propriety, as well as other people. They are liable to do that over there, as we are over here, but we do not pay much attention to it. We go ahead and maintain the Monroe doctrine. Now, it has come to have considerable respect over there. They mention it in their note here. Abraham Lincoln once said that the most sublime virtue which a public man could possess was patience, and I think that will apply to nations as well. We have been patient until the time has come when everybody recognizes that the Monroe doctrine is a part of our national safety, and they respect it. In my opinion there would not be any more danger of a foreign government chal-

lenging that doctrine than there would be of their making an attack upon us.

Mr. Buchanan said in 1848:

The highest and first duty of every independent nation is to provide for its own safety and acting upon this principle we should be compelled to resist the acquisition of Cuba by any powerful maritime state with all means which Providence has placed at our command.

Prof. Bushnell Hart, in his treatise on the Monroe doctrine, after speaking of the changes and different interpretations of the Monroe doctrine, said:

There are two fundamental principles to which all agree. The first is that the doctrine has always been, and now is, directed primarily to the defense and welfare of the United States; and secondarily, to the defense and welfare of other American states.

Professor Callihan, quoted by Professor Hart, says:

It may be fitly called the doctrine of national defense, which in its results may be regarded also as a doctrine of Pan American defense.

Professor Woolsey says:

There are now three fundamental principles which characterize the policy of President Monroe as it was and as it is. First, the Monroe doctrine was a statement of policy originated and maintained by reason of self-interest, not of altruism. Second, it was justifiable by reason of the right of self-defense (which is a recognized principle of international law). Third, it called no new rights into being, therefore, whenever it oversteps the principle of self-defense reasonably interpreted, the right disappears and the policy is questionable because it then violates the rights of others. * * * The Monroe doctrine is based upon the right of self-defense. This is the first law of nations as of individuals.

I think the statement of Professor Woolsey is an exceedingly illuminating one.

It called no new rights into being; therefore whenever it oversteps the principle of self-defense reasonably interpreted, the right disappears and the policy is questionable.

Frederick Coudert, the great lawyer, said:

In its essence the doctrine was merely one of safety for the United States. Its germ is contained in Washington's Farewell Address. Experience has shown that every European war involved a struggle between the various colonial possessions of the contestants, and the doctrine of hands off on this continent was nothing more than a necessary measure of safety.

Mr. WALSH of Montana. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. WALSH of Montana. In that connection, will the Senator permit me to read a single paragraph from the celebrated Olney letter on Venezuela?

Mr. BORAH. I am very glad to.

Mr. WALSH of Montana. And another paragraph, in view of the remark just made by the Senator from Missouri, as follows:

That the rule thus defined—

That is, the Monroe doctrine—

has been the accepted public law of this country ever since its promulgation can not fairly be denied. Its pronouncement by the Monroe administration at that particular time was unquestionably due to the inspiration of Great Britain, who at once gave to it an open and unqualified adhesion which has never been withdrawn.

I call attention to this:

But the rule was decided upon and formulated by the Monroe administration as a distinctively American doctrine of great import to the safety and welfare of the United States after the most careful consideration by a Cabinet which numbered among its members John Quincy Adams, Calhoun, Crawford, and Wirt, and which before acting took both Jefferson and Madison into its councils.

Mr. BORAH. I thank the Senator. Now, Mr. President, could the Monroe doctrine rest upon any more secure basis than that of self-defense, when we recognize that principle as inherent not only in this treaty but in all treaties, inherent in the nations, and inalienable; and also recognize that we are the sole judges of what constitutes our security, our safety, and our self-defense? No reservation, no resolution, no specification, could make it more secure, more within the protection of our Government, than to treat it as what it is, an essential part of our self-defense, and thereby protected by the inalienable right of self-defense.

Mr. President, yesterday when the interrogatories were first submitted which led us into another field of discussion I was

discussing the question of implied sanctions under this treaty. I do not feel, notwithstanding I have taken entirely too much time of the Senate, that I ought to leave that subject what I deem to be somewhat incomplete, and I will be as brief in regard to it as I may.

I called attention yesterday to the fact that there are no sanctions to be implied from the language of the treaty itself; that is, no implied obligation to use force, or to enforce the treaty against a nation which should see fit to violate it.

I called attention further to the fact that nowhere in the correspondence, in the numerous notes between the different governments, the governments which afterwards adhered to the treaty, has there been any indication, so far as I find, of any implication, that there are any sanctions expressed or implied in the treaty.

I also called attention to numerous statements, among others the statement of Lord Cushendun, at the time of the signing of the treaty, Lord Grey, and others, to the effect that there were no sanctions, express or implied.

It has been said, however, that if we do not, in case the treaty is violated, join with the other nations in punishing the violator of the treaty, the European powers will have a chance to charge bad faith; in other words, it is said that Europe looks upon this treaty as one providing for implied sanctions, and that we will be expected to maintain it as against those who disregard it. I do not know of any expression of that kind upon the part of any responsible party in Europe. If any such statement has been made, it has escaped my rather vigilant observations in regard to this matter.

I do know that numerous statements by those in authority, and by the leading press of foreign countries, have been to the very opposite effect, and in my opinion there is no misunderstanding whatever in England, in France, or anywhere in Europe, as to just exactly what this treaty means, with reference to sanctions. There is no understanding that the United States, for instance, is under any obligation whatever to use force or to maintain by force the treaty. The other nations understand perfectly that it is a voluntary obligation, binding upon each nation in so far as it respects its obligation, to settle its controversies in a peaceful way; that if any nation disregards the treaty, it steps out from under the treaty, and the treaty is at an end with reference to all other nations so far as that nation violating the treaty is concerned.

The New Republic, discussing this matter as to the view of Europe, seems to me to have a very pertinent paragraph. It refers to the statement having been made that Europe has this understanding as to the treaty, and says:

Europe's misunderstanding of the treaty's terms is a matter which has some interesting aspects. It is not based on anything Mr. Kellogg or any other official has said. It is not based on the text of the document. Then where does it come from?

It is true that if we sign the treaty, as has been stated, and then do only what we have agreed, and not what some one hopes, we will be criticized, but we should have been criticized equally for failing to participate, even if the treaty had never been thought of.

In other words, Mr. President, whatever idea may prevail in scattered places or in fugitive ways with reference to any implication, arises not by reason of the treaty, but by reason of circumstances and conditions which lead those entertaining the idea to hope that something may be done by the United States in the way of involving itself in European affairs. A hope they would have as much reason to entertain if there had been no treaty.

I want to read here a statement of Premier Baldwin which I think is a most remarkable statement when one comes to analyze it and consider the implications of it. It was made on November 8, 1928. Speaking with reference to this treaty, he said:

Believe me, the alternative before us in Europe is very simple and the choice ought to be easy. We must either keep faith with the spirit of the pact that we have signed or in time we must go down the steep place together like the Gadarene swine, and perish eternally.

Talk about sanctions for a treaty; there is no sanction for a treaty, after all, but what the nation conceives to be its interest. That is, at last, the only sanction. It does not make any difference what you agree to, you must test it at last by what the signatories to the treaty, when their exigency arises, conceive to be necessary to their interest, to their protection, to their preservation, or to their welfare.

I think, as the Premier clearly indicated, Europe has arrived at the point where she believes that the war system means the destruction of European civilization; that if we can not find some way to settle international controversies other than by force of arms the civilization of Europe will give way, cave in,

break down. Self-preservation has become the one powerful function for this treaty. The war system is undermining civilization, bringing ruin and misery to millions, and the only hope is the policy embodied in this treaty. Here is the strength and the worth and the function for this treaty. Sink or swim, live or die, something like this treaty is the only way of escape from the impending doom.

Mr. BRUCE. Mr. President, may I ask the Senator from Idaho, then, why is it that these European nations keep on arming? Mussolini has just told us that bayonets and cannons are steadily increasing in Europe. Lloyd George has lately sounded a note of warning to the same effect. At present one-sixth of the entire aggregate income of the world is devoted to the maintenance of armies and navies, and there is 1 soldier for every 300 civilians throughout the world. I do not see any indication that those moral forces upon which the Senator is so strongly disposed to rely are as powerful as he seems to think that they are, or that Europe is as anxious for peace as he supposes it to be. It seems to me that the Senator forgets that a nation, when it signs a treaty, may have one conception of its self-interest and then a little later on find that it has made a mistake and form another conception of its self-interest.

We all know that in 1839 Germany thought that it was to its interest as well as to the interest of Europe generally that it should guarantee the neutrality of Belgium. Yet in 1914 she changed her view and hewed and burned her way with sword and fire over the soil of Belgium to France. Before the World War Italy thought that it was to her interest to enter into the tripartite treaty with Austria and Germany. Yet when the crucial time came for the performance of her obligations she aligned herself with the Allies and with us and not with Austria and Germany. So I say that it seems to me that trust in the mere enlightened self-interest of a country for the purposes of peace is an unreliable thing.

Mr. BORAH. Mr. President, the Senator is explaining now just exactly what I stated—that in the last analysis it is self-interest that controls. He has just stated that at one time they thought it was to their interest to do one thing, and at another time that it was to their interest to do another thing, and, of course, that is true. So I repeat that the Senator is quite in accord with what I stated a moment ago—that in the last analysis it is in response to what the nation conceives to be necessary to its self-preservation or to its self-interest that it will act.

Then what I say in addition to that is that Europe has come to the conclusion that self-preservation—that its deepest and most permanent and profound self-interest—is to get rid of war and of armaments and to pursue a course which this treaty points out.

Mr. BRUCE. I ask the Senator, has Europe arrived at any such point? If so, why is it that we find it impossible to reach any sort of permanent agreement with Great Britain, one of the most enlightened and highly civilized countries in the world, with regard to a proper naval ratio? Practically every effort since the League of Nations was established to bring about a disarmament of the nations of the world has proved abortive.

The Senator may have different ideas about peace from mine, but I do not see on just what rainbow of real hope his eyes are fixed.

Mr. BORAH. The Senator's idea of peace is fixed upon the proposition which is now sinking Europe to the bottomless pit.

Mr. BRUCE. My idea of peace is that it is a thing that to exist must be commended.

Mr. BORAH. Just as the Kaiser thought that the only thing was force, that the only thing that people respected was armies and navies, and the Senator sees where they landed.

Mr. BRUCE. Still the Senator does not think that the peace of a city could be preserved without the backing of force, does he?

Mr. BORAH. No; I do not think so; but the application of that proposition to individuals within a State which has the power to enforce is a wholly different proposition than undertaking to enforce the same proposition between nations because, as I said a while ago, we can not find a superpower to do it. The distinction between individuals and communities, between individuals and sovereign states in the application of force, wise men have long since recognized.

Mr. BRUCE. I admit that it is a more difficult thing to police international peace than to police the peace of a city or the peace of a single State of the Union or the peace of the United States. But it seems to me that just because it is more difficult it is an idle dream to believe that the peace of cities has to be policed, that the peace of a single State of the Union has to be policed, and that the peace of the United States has to be

policed, but that yet the peace of the world need not be policed. The Senator would rely upon nothing but the interchange of one vain empty promise for another without any sanction to enforce either.

Mr. BORAH. The Senator from Maryland ought to have been general counsel for the German general staff, not the German people but the general staff.

Mr. BRUCE. No; I would much prefer to be counsel for our own Government or for the Government of the Kingdom of Great Britain which, notwithstanding the fact that it is actuated to an extraordinary degree by principles of good sense and good feeling in its international relations, yet has the prudence to keep its powder dry and to maintain not only for the preservation of the liberties of the English people but for the progress of human civilization itself throughout the world a fully adequate army and navy.

Mr. BORAH. Now if the Senator has concluded I would like to proceed.

Mr. BRUCE. Very well.

Mr. BORAH. I want to recall again the language of Premier Baldwin, because he is now giving an able illustration of the fruits of the policy and the system which the able Senator from Maryland has been eulogizing. It is true that the British Empire has endeavored through the years to keep its powder dry and to keep up its armies and its navies, and to-day it is loaded with a superhuman debt, with millions of people out of employment, adding still millions more in the way of armament, and this is what Premier Baldwin said the near future seems to have in store:

Believe me, the alternative before us in Europe is very simple and the choice ought to be easy. We must either keep faith with the spirit of the pact that we have signed or in time we must go down the steep place together like the Gadarene swine and perish eternally.

That is the Dantean hell toward which all are tending under this doctrine of force as the sole preserver of peace.

Let us all to-night, and there are representatives here of many great powers, accept this opportunity which has been given to us for a new start and go forward with new faith and with new hope. I believe the time may come when in the histories of this period there will be no greater act credited to the United States than this, that in this year she had the high honor in voicing the aspirations and desire of mankind in presenting that pact to the nations for signature.

Only let us remember what it is we have signed. It is so tremendous a thing that few of us realize it, and the result of every signature will be nothing unless the nations, realizing to what they are committed, make up their minds their signatures shall be honored to the end of time.

I do not know, and of course no man knows, whether this treaty will long be kept. All laws, whether enacted by man or promulgated by God, are made with the possibility of being broken and shattered; but I do believe, Mr. President, as the British Premier so well said, that if we can not find a means by which to adjust international affairs other than that of relying upon the Army and the Navy, if we can not find a method through peaceful means or through peaceful ways to adjust our controversies, civilization is imperiled as it was just prior to or in the coming of the Dark Ages.

Mr. FESS. Mr. President, will the Senator yield for another question?

Mr. BORAH. I yield.

Mr. FESS. In the judgment of the Senator will the operation of this treaty open the way for further limitation of armament in time to come?

Mr. BORAH. I sincerely believe so.

Mr. FESS. It would appear to me that would be one of the main objects of the treaty.

Mr. BORAH. That is a main object of the treaty and yet, after all, we have got to have a different psychology in international affairs, because if we did not have armies and navies and if we had this war psychology, they would fight with their fists. We have got to create a faith in peaceful methods for the adjustment of international affairs. We have got to instill into the masses of the people and they in turn into their representatives and leaders the belief that war is a futile thing, that, after all, things are never settled until they are settled right, and force seldom takes into consideration the question of right, and therefore it is to their interest to have a more peaceful way of adjusting their controversies.

This treaty has been made in the open light of day. It is the first great treaty of the kind in which the correspondence was carried on public. Back of it stands the mass convictions of the great people of the different nations, and in my opinion, it is working that change in the viewpoint of the nations with

reference to the possibility of settling their difficulties which is essential to peace. I hope, of course, that that will be followed, and I believe it will be followed, by disarmament to a marked degree, but disarmament is only, after all, a part and a small part of the question of bringing peace to the nations. I think the question of disarmament is infinitely more important as an economic question because it is now literally burying the people of Europe under supertax burdens that will in time of peace destroy the manhood and womanhood of Europe, and in a longer time other countries, and therefore every step we can take in that direction is not only calculated to make war less liable, but it is infinitely more calculated to rehabilitate the manhood and womanhood of those countries.

Mr. FESS. I was greatly impressed with what the Senator said a moment ago about the moral forces that are vastly more important than we think. It would appear to me that if this treaty would give full play to the moral forces of the world, we may present a public feeling that will lead to disarmament. I had thought that was one of the strong features of the treaty.

Mr. BORAH. It is an important feature.

Mr. Phillip Kerr, who is a distinguished gentleman, intimately associated with Lloyd George during the war, and deeply interested in the cause of peace, speaking of the treaty, and this particular feature of it which we are now discussing as to sanctions, said:

All the evidence goes to show that ratification will not mean the acceptance by the United States of the responsibility for solving the internal problems of Europe.

Professor Shotwell, one of our leading advocates of peace in this country and a prominent advocate of the league, in discussing this treaty, with reference to sanctions, said:

But just what is involved in the treaty itself? More especially what are the commitments of the United States under it? Does our acceptance of it imply we are moving away from our policy of isolation? Does it tie us up with Europe and its postwar arrangements as some politicians have claimed? Or, on the other hand, does it achieve its main ideal while reserving for us all necessary freedom of action in other ways? For the answer to these questions one would naturally look into the text of the treaty itself. * * * The renunciation of war as an instrument of our own policy does not in itself call upon us to exercise any such suppression of others. Indeed, the present treaty takes pains to avoid just this commitment. * * * Renunciation, on the other hand, is a simple act by which every sovereign State declares for itself the conditions of its own exercise of power.

Again, discussing a speech made by some celebrated Englishman, he said:

It was not the Kellogg proposal which called upon His Majesty's Government "to cooperate in securing the peace of the world." This phrase carries us at once into the question of sanctions and the enforcement of peace and is completely out of the atmosphere of the Kellogg proposal.

Mr. BRUCE. Mr. President—

Mr. BORAH. I will yield in just a moment. The London Times in an editorial on May 19, 1928, said:

Public opinion will be the only security against the violation of the peace, which public opinion has still to be built up.

And, finally, let us take the emphatic and clear statement of our Secretary of State, which reads as follows:

The purpose of the United States is so far as possible to eliminate war as a factor in international relations. I can not state too emphatically that it will not become a party to any agreement which directly or indirectly, expressly or by implication, is a military alliance. The United States can not obligate itself in advance to use its armed forces against any other nation of the world. It does not believe that the peace of the world or of Europe depends upon or can be assured by treaties of military alliance, the futility of which as guarantors of peace is repeatedly demonstrated in the pages of history.

This statement was made in a public address on the 15th of March, 1928, and was transmitted to all the powers signing the treaty and is now a part of the record making up and completing the negotiations leading up to the signing of the treaty. No one has been permitted to remain in doubt upon this question. Neither the language of the treaty nor the correspondence nor the public statements of public officials have been of such character as to permit two constructions to be placed upon the treaty in regard to the matter of sanctions. Punitive or coercive measures are neither provided for in the language of the treaty nor justified by any reasonable construction of the treaty. But in addition to this, our Government was open, frank, and unmis-

takable in the assertion of the utter absence of any intent to commit us to sanctions under the treaty.

I yield now to the Senator from Maryland.

Mr. BRUCE. I want to ask the Senator just this question. How does he reconcile the emphasis which he placed on the second paragraph in the Kellogg pact, by which the signatories agree that they will resort for the solution of international troubles to nothing but pacific means, with the absolutely irreconcilable antagonism that he has always set up to our entering into the World Court, to say nothing of the League of Nations?

The Senator will recollect that by one of the reservations which we attached to our ratification of the World Court protocol the court was completely detached from all connection with the League of Nations.

Mr. BORAH. I do not recollect anything of that kind.

Mr. BRUCE. Well, that was the general construction placed upon the matter at the time.

Mr. BORAH. That was not the general construction in my opinion. At least there were many who did not take that view.

Mr. BRUCE. The most studious effort was made, so far as our country was concerned, to sever the World Court from the League of Nations by way of reservation. I am merely curious to know to what sort of tribunal the Senator from Idaho would have the countries of the world resort for the purpose of settling international controversies by pacific means, when he is so violently opposed to the entry of the United States into the World Court.

Mr. BORAH. Has the Senator concluded his question?

Mr. BRUCE. Yes; I have.

Mr. BORAH. Mr. President, I do not desire to enter into a discussion of the League of Nations or of the World Court. However, I will undertake, as briefly as I may, to satisfy the Senator's curiosity. If I may make a personal reference, I have always been an advocate of an international judicial tribunal.

Mr. BRUCE. Mr. President, if I may interrupt the Senator, until he found that 52 of the civilized powers of the world agreed with him.

Mr. BORAH. No; but there was some doubt thrown upon it when I found the Senator from Maryland was for it.

Mr. BRUCE. I had not supposed that I had sufficient political significance for my views to influence the Senator one way or the other.

Mr. BORAH. Knowing the Senator's philosophy, that nothing counts in international affairs except sheer, brutal force, I naturally have a suspicion of anything that he advocates.

Mr. BRUCE. I ask the Senator not to say "sheer, brutal force." Nothing counts for anything in the field of international peace except that adequate police force which Mr. Taft had in contemplation when he became president of the League to Enforce Peace, and which Theodore Roosevelt had in mind when he said that international justice must be backed by an international police force. That is the kind of force I have in mind.

Mr. BORAH. The Senator has in mind a sufficient force.

Mr. BRUCE. Yes; a sufficient force applied as an instrument of international concert.

Mr. BORAH. Will not the Senator permit me to satisfy his curiosity by a full statement?

Mr. BRUCE. Certainly. I am hardly in a position to refuse the Senator such an opportunity, as I am occupying the floor by his courtesy.

Mr. BORAH. I know the Senator is not in a position to do so, but he succeeds in doing so. [Laughter.]

Mr. BRUCE. I hope that I may achieve success in some direction of a less doubtful character.

Mr. BORAH. I think the Senator has been a marvelous success in some directions.

Mr. BRUCE. I am glad to hear the Senator say so, but he is about the only person who has ever reached that conclusion.

Mr. BORAH. Oh, no, the Senator from Maryland has a multitude of friends; although, of course, there were not quite enough. [Laughter.]

Mr. BRUCE. No; and one reason, perhaps, was because the Senator from Idaho gave his potent aid to my opponent. Of course, I did not object to that.

Mr. BORAH. I beg the Senator's pardon. I visited the Senator's State, but I made no mention of the Senator, nor of his opponent.

Mr. BRUCE. I was told that the Senator, with the inspiration of true prophecy, introduced my opponent to a very large audience there as "The next Senator from Maryland."

Mr. BORAH. The Senator is mistaken, for I did not introduce him. My recollection is that he introduced me, but at least I did not introduce him and I made no reference to the senatorship.

Mr. BRUCE. The Senator was entirely within his rights, as a good party man; I am not questioning that.

Mr. BORAH. I did not think it was necessary to do so.

Mr. BRUCE. I enjoy the Senator's personal friendship, but I do not enjoy his political friendship, and have no right to expect it. I can truly say that I am very proud to enjoy his personal friendship.

Mr. BORAH. I can reciprocate that sentiment.

Mr. BRUCE. I thank the Senator, and I can now take my seat at a very auspicious moment.

Mr. BORAH. Mr. President, I think it will not be out of place, in view of the Senator's question, to go a little further into detail. As I said a moment ago, I have always been an advocate of an international judicial tribunal. The Senator has said that I was interested in that cause until I found that 52 nations had agreed upon a tribunal, and then I rebelled. I beg to say that is not my objection to the World Court. I may have been in error, but I felt very sincerely that the World Court was called upon to exercise functions which ought not to belong to a judicial tribunal. It was, in my judgment, the legal adviser of the League of Nations. I did not object to it being the legal adviser of the League of Nations because it was the League of Nations, but because I regarded it as the legal adviser of a political institution, and I was opposed to it primarily for that reason. Any time that we can conceive a plan which will erect an international judicial tribunal free from any political connection I do not know any reason in the world why I shall not be ready to support it.

Mr. President, I have only desired at this time to state what I understood to be the meaning of the pending treaty; what it is. I have no desire at present to discuss generally what I conceive to be the benefits to be derived from the treaty.

I will say, in conclusion, however, that some 60 nations have now either signed or adhered to the treaty. These nations represent practically the entire world. They have signed it upon the theory that it is an important step in the cause of peace. No one will contend, I presume, that it is the last and final step, but it is a step of almost incalculable moment. It is not all that we will have to do as the years go by in backing up the principle which is incorporated in the treaty. At the present time, however, we have all these nations adhering to or signing the treaty, accepting it as it is, and accepting it upon the theory that it will assist them in settling their controversies in a peaceful way. That can not be other than a most extraordinary achievement in the great cause in which we are all interested.

We have different views as to how to accomplish peace, as to how to advance it, but I take it that all of us are in favor of the ultimate objective, and, as all the nations have practically indorsed this treaty, I trust the Senate of the United States, without any unnecessary delay, will advise the world that it is satisfactory to the people of this country.

Mr. BINGHAM. Mr. President, before the Senator takes his seat, will he be so kind as to allow me to ask him a question?

Mr. BORAH. Certainly.

Mr. BINGHAM. The Senator will pardon me if my question covers some ground that was gone over yesterday, due to the fact that there is no report of the Senator's speech in to-day's RECORD to which I can refer.

Mr. BORAH. The speech was held out of the RECORD, as I thought I would like to print it connectedly. I do not know whether I shall ever be able to do that.

Mr. BINGHAM. The Senator said yesterday, if I understood him correctly, that the treaty forbids force under any circumstances.

Mr. BORAH. Of course, I was using "force" in that connection in the sense of war. In my opinion the treaty does forbid war under any circumstances, except, of course, in case of self-defense. Except in that case, we all concede the treaty does not recognize the employment of war under any circumstances whatever.

Mr. BINGHAM. The Senator will realize that the word "force" has been used frequently, very loosely in the discussion of the treaty, and that, as it was stated yesterday and as the Senator agreed, under certain circumstances nonamicable measures short of war may involve the employment of force.

Mr. BORAH. I do not recall any circumstances except what would really come under the principle of self-defense.

If a government were defending its citizens or protecting the property of its citizens, in my judgment such action would come under the principle of self-defense or under another principle which is kindred to self-defense.

Mr. BINGHAM. Does the Senator think that the bombardment of Vera Cruz during the administration of Huerta was due to the necessity of our maintaining self-defense?

Mr. BORAH. I would not want to discuss that incident; it is in the past.

Mr. BINGHAM. Mr. President, we must learn of the future by what is in the past. I am curious to know whether the Senator thinks if this treaty were ratified it would be possible for us to send an expedition into Mexico under General Pershing, for instance, as we did at that time?

Mr. BORAH. I would not say as to any particular transaction; but let me say this—I will state what I conceive to be the principle of the treaty—that we would have a perfect right to send an expedition anywhere, whether into Mexico or China, if it were necessary, in order to protect the lives and property of our citizens against actual threatened attack. That is not an act of war. A nation has a right to give protection to its citizens and their property, and this is not, in international law, war. I assume that the acts of the government are confined to protection from threatened danger.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. Fess in the chair). Does the Senator from Idaho yield to the Senator from Pennsylvania?

Mr. BORAH. Yes.

Mr. REED of Pennsylvania. Our recollection of the fact must be clear that the expedition led by General Pershing went into Mexico in the fresh pursuit of an organized band of Mexicans who had invaded this country and had attacked an American town. It had nothing whatever to do with the occupation of Vera Cruz.

Mr. BORAH. Mr. President, that is true, and I am not necessarily condemning the sending or approving the sending of those troops. It proved to be a futile act, but that was not necessarily a reason for not undertaking it. However, I would prefer to confine myself to what I conceive to be the general principles which will be applied to facts and circumstances as they may arise from time to time. In other words, when a question arises as to whether we are applying the principle of self-defense, the Senate of the United States will be the one to pass on it, and we will be perfectly safe!

Mr. BINGHAM. With the permission of the Senator I will refresh the memory of Senators as to what took place in Congress on April 22, 1914, by referring to the resolution, which reads:

In view of the facts presented by the President of the United States in his address delivered to the Congress in joint session the 20th day of April, 1914, in regard to certain affronts and indignities committed against the United States in Mexico: Be it

Resolved, That the President is justified in the employment of the armed forces of the United States to enforce his demands for unequivocal amends for affronts and indignities committed against the United States; be it further

Resolved, That the United States disclaims any hostility to the Mexican people or any purpose to make war upon them.

In view of the statement in the second part of the resolution, does the Senator feel that the ratification of this treaty would in any way interfere with the Congress of the United States passing a similar resolution under similar circumstances in the future?

Mr. BORAH. If in the judgment of the Congress of the United States it should be necessary to do that in order to protect our interests, our citizens or their property, of course, it would have the right to take such action. I decline again to undertake to pass upon past transactions.

Mr. BINGHAM. One more question, if the Senator will be so good as to bear with me, and I will be through. I understood the Senator to say yesterday that the notes in the pamphlet which has been frequently referred to and which contains the "Text of the pact as signed, notes, and other papers," in no way affect the treaty. That statement has been repeated again today. In view of that statement, does the Senator feel that any statements made by the advocates of this treaty on the floor of the Senate may in any way affect the treaty?

Mr. BORAH. Of course, the rule of law is that individual statements upon the part of Members of Congress in the consideration of measures before the respective Houses will not be considered by the court in construing the law. The courts have held that they will give attention, as I recall, to an official report by a committee, but will not take into consideration individual views; and I should say that the same rule would apply with reference to a treaty. Where there are some 98 different views, or a less number, it will be practically impossible to give any effect to an individual view as representing the body; and, unless there is something to indicate that it is in some way an expression of the views of a body or a committee, as I understand, the courts would not consider it, and I would not assume that it would be considered by the parties construing the treaty.

Mr. BINGHAM. Has there been any report on behalf of the committee of which the Senator is chairman to which reference could be made in interpreting the treaty in the future?

Mr. BORAH. No; but we have had printed and filed the statement of the Secretary of State before the committee giving his interpretation of the treaty. I should think that if any statement would be taken to have any effect whatever, it would be the statement of the recognized representative of the Government, or one of them, in the making of the treaty.

Mr. REED of Missouri. Mr. President, will the Senator permit me there?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BORAH. I do.

Mr. REED of Missouri. I understand—I do not want to misquote the Senator—that his view is that what Mr. Chamberlain said and what other governments say in their notes at or prior to the time of the signing of this treaty does not affect the construction of the treaty. If he did not say that, then I misunderstood him. If he did say that, then how can it be claimed that anything that Mr. Kellogg may have said before the Foreign Relations Committee, although afterwards printed, would affect the treaty?

I may have misunderstood the Senator, and I want to understand him aright.

Mr. BORAH. No; I do not think the Senator has misunderstood me. But perhaps I did not make myself clear.

My contention is that the notes passing between the governments did not in any way change or effect a modification of the treaty. Now, understand again, lest I be misunderstood, that I do not contend that a treaty may not be modified or that notes may not have the effect of doing it; but what I contend is that the substance of these notes, the things that were said in the notes, are no different from that which is in the treaty without the notes. In other words, the notes deal with questions of self-defense. They do not enlarge or diminish or modify or curtail the right of self-defense as it would have existed under the treaty had the notes never been written.

Do I make myself clear?

Mr. REED of Missouri. Proceeding from that point, the Senator, I presume, also says that nothing that has been said by the Secretary of State conflicts with or enlarges in any way the true meaning of the treaties?

Mr. BORAH. Yes; I know of nothing that the Secretary of State has said which does that.

Mr. REED of Missouri. Then nothing that he has said is of importance, just the same as nothing that Chamberlain said and nothing that anybody else said is of importance, because, in the opinion of the Senator, they are all consistent with the treaty.

Mr. BORAH. Exactly. In other words, if we had this treaty here, without a scintilla of writing, notes, or anything else, it would mean just exactly what it means when these notes come in.

Mr. REED of Missouri. What does the Senator, then, say with reference to the position of Russia and the position of two or three other countries, which is that the form of the treaty was attempted to be changed by these previous notes, and they disclaim the construction placed upon it? Does not the Senator think that as a matter of precaution we ought at least to have some regard to the opinions of the chancelleries of other countries?

Mr. BORAH. The Secretary of Foreign Affairs, Chicherin, stated what I have stated here—I think I have the language here somewhere—that while these notes had been written they signed the treaty, because, in their opinion, the notes had not in any way affected, modified, or changed the treaty.

Mr. REED of Missouri. I hope the Senator will pardon me a minute while I get just what was said.

Mr. BORAH. In other words—of course, I can not quote his exact language—I think the Senator will agree with me that Chicherin took the position that the English note in no way changed the treaty.

Mr. REED of Missouri. No; they took the position that they would not assent to the change, but they did not take the position that there was not any change.

Mr. BORAH. Does the Senator think Russia would have signed this note if her representatives thought the English note had any effect?

Mr. REED of Missouri. Let me read what was said. I have not it marked, however. If I can find a copy that is marked it will save time. I have the text here.

Mr. ROBINSON of Arkansas and Mr. JOHNSON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Idaho yield; and if so, to whom?

Mr. BORAH. I yield first to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. May I make a suggestion in that particular? My recollection of the substance of the Russian note is to the effect that the representatives of Russia were not in sympathy or in accord with the views expressed in the British note, but that they did not believe that the legal effect of the British note was to alter the treaty, and therefore they signed it, in no sense accepting the viewpoint expressed by the British in the Chamberlain note.

Mr. BORAH. I think the Senator from Arkansas has stated the matter accurately.

Mr. ROBINSON of Arkansas. I have not read it for some weeks, but that is my recollection.

Mr. REED of Missouri. I think there is a different view here, if the Senator's patience will permit a further interruption.

Mr. JOHNSON. Mr. President—

The PRESIDING OFFICER. To whom does the Senator yield?

Mr. JOHNSON. I just wanted to clear up, if I might, a point in reference to the construction that has just been suggested by the colloquy, if the Senator from Idaho will permit me.

Mr. BORAH. Very well.

Mr. JOHNSON. The position of the Senator from Idaho is, as I understand it, that nothing is said in any note that the treaty does not inherently imply.

Mr. BORAH. Exactly.

Mr. JOHNSON. Now let me put it the other way around. Let us assume that this treaty went to the World Court for construction, and let us assume that in the construction of the treaty by the World Court it held that there was no such implication in it as we have just agreed that there is: Would not the court, then, in construing the treaty, go to the English note to ascertain exactly what Great Britain signed?

Mr. BORAH. Yes; and when they got there they would find exactly what is in the treaty—that is, the right of self-defense.

Mr. JOHNSON. The Senator did not follow me. I say, assuming that they did not hold, as we have been holding here, that the right of self-defense as described by the British was inherent in the treaty, then, in construing the treaty, the court would go to the condition annexed to it by Great Britain?

Mr. BORAH. Of course, if the court should hold that the right of self-defense was not inherent in the treaty, then they would go to the British note, and they would also go to Mr. Kellogg's note, for both of them have stated that the right of self-defense was reserved.

Mr. JOHNSON. Yes; the only query there recurring upon whether the right of self-defense was alike in each instance.

Mr. BORAH. But this treaty never can go to any court, because if it is violated we are the judges of that ourselves, and each signatory is the judge for itself.

Mr. JOHNSON. Yes; but there is one thing in that regard, and if the Senator will read the leading editorial in the New York Times to-day he will see that it is in the minds of those who are proposing this treaty that we are going further into some other place—ultimately for some construction and for something further to be done.

Mr. REED of Missouri. Mr. President, if the Senator will pardon me, I do not want to get into a debate here. I want to call attention to this document; but I should like to be permitted to say that it is a solecism to declare in a treaty that all questions are to be submitted to peaceful settlement—which necessarily implies, in many instances at least, some adjudicating body—and then in the same breath to say that there is no such tribunal and we are the sole judges. That will not do.

Mr. BORAH. No; I should not think it would do, and I do not know of anybody who has said it.

Mr. REED of Missouri. I understood that to be the position that has just been taken.

Mr. BORAH. This treaty does not provide for any tribunal.

Mr. REED of Missouri. No; but it implies a tribunal. It implies, if it means anything, that when two nations have a controversy, and they can not settle it or do not settle it by diplomatic means, other means must be found. Among the other means that we know of are arbitration or some tribunal or court; and therefore it is only a fair statement of this treaty to say that it means, "In case of a controversy we will not resort to force. We will endeavor to settle the matter between ourselves by peaceful negotiation; and if that fails we will not then go to war. We will adopt other means, and submit our case to some form of tribunal." So it does not mean that we are the sole judges, unless we are to take the position that after this treaty has been signed no nation is under any obligation to adopt any peaceful means whatsoever, but is at liberty

simply to stand upon its position, and then defend that position by force of arms.

Mr. BORAH. I never stated that the subject of the controversy would not be a subject for a tribunal. What I say is that this treaty itself provides for no tribunal.

Mr. REED of Missouri. Oh, certainly not.

Mr. BORAH. What we agree is that if a controversy arises, we will settle it by peaceful means.

Mr. ROBINSON of Arkansas. No; not quite. Will the Senator yield?

Mr. BORAH. No; the Senator is quite right—that we will not pursue any course except peaceful means.

Mr. ROBINSON of Arkansas. That is to say, if we seek the settlement of a controversy in any way, that method must be limited to peaceful means.

Mr. BORAH. Exactly.

Mr. ROBINSON of Arkansas. There is no obligation to settle, except perhaps as it may be implied. The obligation is to limit to pacific means such efforts as may be made for settlement.

Mr. BORAH. Exactly.

Mr. REED of Missouri. Technically, that is correct. Of course it is true in every human controversy that if the injured and innocent party sees fit to rest under his wrong, he is under no obligation to go to a court about it. He is under no obligation to enforce his right. He can remain quiescent and suffer. But, dealing with this matter as a matter of practical common sense, we are trying to meet a condition where nations are not ready to submit to a wrong; and, therefore, being deprived by this treaty of the right to make war, they must find some other means; and the only means I know of, outside of peaceful negotiation—which is as old as civilization—is arbitration, a court, or something of that kind.

The Russian language which I rose to call attention to some time ago makes it perfectly clear to me that at least one government—and, notwithstanding all that some people say, a great government, for it is the government of one of the greatest nations in the world—has taken a different view of the effect of Mr. Chamberlain's note or the intent of Mr. Chamberlain's note than I think has been taken here.

Mr. ROBINSON of Arkansas. The same is true of Persia, also.

Mr. REED of Missouri. Yes; there were several of them. I am reading from paragraph 7 of the Russian note.

Among the restrictions made in writing at the time of the diplomatic pourparlers among the original signatories of the covenant the Soviet Government paid particular attention to the reservation of the British Government in paragraph 10 of its note of May 19 of this year. The British Government there reserves to itself absolute freedom of action as toward several regions which it does not especially enumerate. If they are regions forming part of the British Empire or its dominions they are already all of them included in the covenant and the case of any aggression against them is provided for in the covenant so that the reservation of the British Government in this respect might seem to be at least superfluous. But if other regions are concerned the signatories of the covenant have a right exactly to know where the freedom of action of the British Government begins and where it ends.

But the British Government reserves to itself full freedom of action not only in cases of armed aggression against those regions but even in the cases of any act whatsoever of enmity or "of immixion" which would justify the British Government in opening hostilities. Recognition of such a right for that Government would come to justifying war and might be taken as a contagious example by other signatories of the covenant who by reason of equal rights would also take upon themselves the same liberty with regard to other regions, and the result would be that there would probably be no place left on the earthly globe where the covenant could be put in operation. Indeed, the restriction made by the British Government carries an invitation to another signatory of the covenant to withdraw from its operation still other regions.

That, of course, means the Monroe doctrine and the United States.

The Soviet Government is unable to regard this reservation as anything but an attempt to use the covenant itself as an instrument of imperialistic policy.

They then say:

But the said note of the British Government is not communicated to the Soviet Government as forming a constituting part of the covenant or an annex thereto, so it can not be regarded as binding on the Soviet Government no more than the other restrictions concerning the covenant that are mentioned in the diplomatic correspondence of the original signatories can be binding on the Soviet Government. Neither can the Soviet Government agree to all of the restrictions that justify war and particularly the restrictions made in the said correspondence to

withdraw from the operation of the covenant decisions flowing from the by-laws of the League of Nations and the Locarno agreement.

Summing up the foregoing, I have still to note the absence from the covenant of obligations concerning disarmament which stands as the one essential element by which peace can be guaranteed—the inadequacy and uncertainty of the very formula about the inhibition of war, and, finally, the existence of several restrictions aimed to cast aside any appearance of a promise for the cause of peace. Yet in so far as the Paris covenant lays upon powers certain obligations as to public opinion and affords the Soviet Government another opportunity to bring before all those who are parties to the covenant the most important question for the cause of peace, that of disarmament, the solution of which is still the one guarantee which can ward off war, and the Soviet Government expresses its consent to adhere to the covenant of Paris.

I take it that that means this—that the Soviet Government believes that Great Britain did attach a condition to its signature; that the Soviet Government declines to agree to that condition or any other conditions that may have been attached. The Soviet Government then says:

We agree to the treaty, and we agree to the treaty alone.

I have no doubt that a nation can make that kind of a stipulation. Neither have I any doubt that a nation can attach any other condition at the time of signing; and that, so far as that condition is concerned, that condition runs with the compact.

Mr. BORAH. Mr. President, Russia has signed the treaty. She disagreed with the views, apparently, of the British note, as being a fair construction of the principle of self-defense, which she had a perfect right to do. We all agree that each nation under this treaty will decide for itself what constitutes self-defense.

Mr. REED of Missouri. But, Mr. President, it is not altogether a question of self-defense in the judgment of the Russian Government. I know that the Russian Government is discredited in the minds of many people, but it is the government of about 160,000,000 people, it is part of the world, and while we have no diplomatic relations with it, Mr. Kellogg took pains to see that this treaty was forwarded to it through the French Government. But the Russian Government believes, and I believe, that Mr. Chamberlain meant something except the mere right of self-defense as ordinarily implied. He meant to serve notice upon us that there were regions of the world where British interests were such that if there was an interference they could not, under ordinary circumstances, claim the right of self-defense. Therefore, he said, "You must understand that in these regions"—which he does not name, but I think we know some he meant to include—"in these regions we propose to retain full liberty of action."

Mr. BORAH. As a measure of self-defense. That is just exactly what he says.

Mr. REED of Missouri. Yes; he puts it on that ground, but, of course, you can extend self-defense to a point where it becomes ridiculous. You might say that a man went out and bought stocks in the market as a matter of self-defense, if you want to put that kind of construction on it, because he was defending his property and thus defending his life. You can go to any length. But putting a reasonable construction on it—and I take it that is what Russia had in mind—the territory belonging to a nation it has the right to defend; but there would be another question arising entirely if the country did not belong to Great Britain, if that country had never acknowledged Great Britain's sovereignty and control, and yet if Great Britain meant to assert the right to prevent any interference with that country; I think there is a difference, and I think a very practical difference, as I think I can demonstrate when I take the floor.

Mr. SHIPSTEAD. Mr. President, it has been said that it is up to every nation to determine what constitutes self-defense. Is it not true that every government that took part in the last World War did so under the right of self-defense?

Mr. BORAH. Under the claim of the right; yes.

Mr. SHIPSTEAD. Under the claim of the right of self-defense. Under that construction how could this treaty have stopped the World War?

Mr. BORAH. Is the Senator asking me that question?

Mr. SHIPSTEAD. Yes.

Mr. BORAH. I do not know that this treaty could have stopped the World War. At one time I heard Lord Grey, who was at the head of the foreign affairs of England, say that if there had been some means which represented public opinion, which would have enabled him to call upon the governments to come into conference, in his opinion the World War could have been prevented. Do not understand that I am advocating this treaty upon the theory that it is the dawn of the

millennium. I can easily understand that conditions might arise under which this treaty, like the Belgian treaty of neutrality, or other treaties, would go to ruin. I understand that perfectly. But this is a treaty under which, where ordinary controversies arise which might finally ripen into war, the signatories to the treaty would be enabled to ask a conference, a coming together of the nations, for the purpose of adjusting the controversy.

There are really no such things in these days as attack and defense in war, in the sense in which those terms grew up in the old days. War springs out of a multitude of things, different controversies arising which are not settled, engendering suspicion and distrust, and at last hatred and then war. This treaty is designed to afford a place where attention can be drawn to the fact that the nations have made a solemn pledge that they will settle their controversies. It is a method of bringing the nations together. It is not a guaranty against war. There is no such thing, I presume. But it is one of the vital, important steps in fostering a better relationship between nations when controversies arise. That is the object of the treaty, and in my opinion it has very great merit for that reason.

I can well understand that there are conditions under which the treaty would be utterly ignored.

The Senator from Missouri has said that this question of self-defense may be construed to a point where it becomes ridiculous and absurd, and so it may. I know of no means in the world by which we can control the discretion of a nation when it is exercising its right of self-defense.

Mr. WATSON. Did the Soviet Government issue any explanatory note or statement?

Mr. BORAH. The Senator from Missouri just read it.

Mr. JOHNSON. Have those communications been published?

Mr. BORAH. No.

Mr. JOHNSON. May I ask, if it is not too much, that somebody put those notes of other nations, other than the ones printed in the document before Senators, in the Record?

Mr. BORAH. I will ask to have them printed as a document.

Mr. ROBINSON of Arkansas. Mr. President—

Mr. REED of Missouri. I was going to ask the Senator if there was any objection to me now offering the correspondence which was sent to me by the Secretary of State.

Mr. BORAH. Not the slightest. The fact is that my attention was called to it several days ago, with a request that it be printed, by the Senator from Virginia, but I overlooked the matter.

Mr. REED of Missouri. I will ask to put them in the Record at this time.

Mr. BORAH. If I may make a suggestion to the Senator from Missouri, I will ask him to have them printed in document form. It is very inconvenient to refer to them in the Record.

Mr. WATSON. May I inquire, in that connection, before the Senator from Arkansas makes his inquiry, what other nations issued explanatory statements?

Mr. ROBINSON of Arkansas. I was just about to say that among the nations which issued explanatory statements and which took exception to the interpretative note of Mr. Chamberlain was Persia. Persia very emphatically said that she did not place the same construction or interpretation on the treaty that was implied or expressed in the Chamberlain note, but, notwithstanding that fact, she signed the treaty, as did the Soviet Government of Russia. There were one or two other Governments that indicated that they did not acquiesce in the interpretation which was carried in the Chamberlain note, but these two Governments, the Soviet Republic of Russia, and Persia, expressly dissented from it.

In my view of the matter, the British note was an interpretation of the treaty, and that interpretation unquestionably was not concurred in by a number of governments, including Russia and Persia.

Mr. WATSON. In that connection, did they place their own interpretations on the treaty?

Mr. ROBINSON of Arkansas. No.

Mr. WATSON. It was purely negative?

Mr. BORAH. They simply disagreed.

Mr. ROBINSON of Arkansas. They disagreed with the British interpretation.

Mr. BORAH. Before we get away from the Russian matter, in view of the fact that Russia's interest in this matter has been under discussion, I wish to call attention to the fact that since the signing of the treaty by Russia, Russia has been very active in securing the binding effect of this treaty upon other nations in which she is interested. She evidently has some confidence in the treaty.

In an editorial in the Philadelphia Public Ledger of January 2 there is a statement to this effect:

The Soviet Government has appealed to Warsaw to put the Kellogg pact into effect immediately as between Russia and Poland. Moscow has been trying for years to arrange an antiwar agreement with Poland. Little or no success has attended these efforts. A natural distrust of the Soviet Government has had much to do with the failure, and it is far from clear that Poland would be willing to put into effect even the Kellogg pact as far as Russia is concerned.

But it is not entirely without significance, perhaps, that Russia is embracing the Kellogg pact with so much warmth. It is an acknowledgment—though it does not come from the best of sources—that this treaty is the most advanced of its kind to emerge from all the various efforts in the direction of "outlawing" war.

I also ask to insert in the RECORD, without reading, an editorial upon the same subject from the Baltimore Sun under date of January 2, 1929.

The VICE PRESIDENT. Without objection it is so ordered. The editorial is as follows:

[From the Baltimore Sun, January 2, 1929]

RUSSIA STEPS AHEAD

There is always a tendency on the part of extremely practical persons to look upon Russia as a doctrinaire state. When, for instance, she put forward what remains the most courageously common sense disarmament proposal ever offered by a great power her sincerity was doubted. And when her honesty was proved to many reasonable minds, those who found the plan inconvenient and embarrassing simply fell back upon ridiculing it as an unworkable piece of windy idealism.

Her most recent action is consistent with the best of her earlier efforts in the direction of peace. Failing to gain a real hearing for her own disarmament project she was quick to signify her adherence to the Kellogg pact, though cynical as to the attitude of some other signers. Now she suggests carrying out the essential spirit of that agreement, and of doing it with as small a waste of time as possible. She has, therefore, proposed to her neighbors, Poland and Lithuania, whose recent histories have been full of troubled complications, that the three countries sign a protocol giving the pact immediate effect among themselves.

M. Litvinoff's note is almost crassly frank. "During the four months that have elapsed since the day of the signing of the pact not one of the 14 States has given it ratification, which circumstance arouses the fear that for a long time the pact may remain a document formally without binding power on anyone." Russia is simply stepping ahead of the other nations in its effort to translate the intention of the treaty into fact without delay or useless discussion. This proposal is the more significant in view of the long quarrel between Poland and Lithuania, and the distrust between Poland and the Soviets.

The suggested immediate agreement, pending ratification of the pact, would perhaps go far toward preventing any future snarls in eastern Europe, or, at least, of making them less menacing.

Mr. BORAH. Mr. President, that is an illustration of what I conceive to be the greatest value of this treaty. It is the attempt upon the part of governments to carry out the principle which is involved here and to act upon amicable and peaceful relations with all the governments with which they may have interests or business, and to adjust their controversies in accordance with the principles of this treaty. I do not believe its value in that respect can be overestimated. It is not alone what you find between the four corners of the treaty but what are its potential moral possibilities. We ought not to underestimate its worth unless we have lost faith in moral forces in the higher, finer qualities of mankind.

Mr. REED of Missouri. Mr. President, I think it would make for the convenience of the Senate if I were to present at this time the reservations that have not been discussed. I refer to the reservations of other countries than the United States. I will later have the entire correspondence, so far as it has been furnished to me, printed in document form. It will take but a few moments to read the reservations to the Senate, which we should have before us during this discussion.

Afghanistan, which, as Senators understand, has had some trouble over other nations asserting authority, adhered in this form:

It is understood that this full adhesion of the Afghan Government only bears on the text of the treaty in the same form as that kindly communicated by your excellency to me in your note No. 141 of August 27.

Egypt, which also has its troubles, concluded adhesion in this way:

For the above reasons the Egyptian Government declares that it fully adheres to the pact in the form in which it was signed at Paris, it being understood, however, that this adherence does not entail recognition of any reservations made in connection with this pact.

Hungary, in a somewhat lengthy note, only an excerpt of which I present, said this:

The Hungarian Government adheres to the proposal of the Government of the United States under the supposition that the Government of the United States as well as the governments of the other signatory powers will seek to find the means of rendering it possible that in the future injustices may be remedied by peaceful means.

The Persian note contained this language:

My Government, considering that the multilateral treaty signed at Paris is in harmony with its consistently pacific policy and the obligations which are imposed by the covenant of the League of Nations upon the members thereof; assured, on the other hand, that the text of the treaty does not contravene its right of legitimate defense; it being understood moreover that the reservations made by certain powers can not under any circumstances nor at any time create for Persia any obligation whatsoever to recognize any claims susceptible of affecting its rights or its territorial or maritime possessions, gives it cordial adherence to the international pact for the outlawry of war.

Rumania's note as signed contains this language:

It is shown with absolute clearness by the negotiations preliminary to the signature of the treaty as well as by the changes which have been made in the preamble with respect to its original text and the explanations contained in the note under date of June 23, 1928, of the Government of the United States addressed to the governments invited to sign the treaty, that this treaty in no respect modifies the provision of the covenant of the League of Nations. Consequently, the rights and obligations derived from the new treaty constitute neither an extension nor a reduction of the rights and obligations derived from the covenant of the League of Nations, which remain as they are. It also appears that the new treaty does not conflict with the neutrality treaties nor, in general, with the engagements contained in existing treaties which the Royal Government has contracted up to the present. It also follows from the note of the Government of the United States of June 23 and the above-mentioned acts and negotiations that any violation of the multilateral treaty by one of the contracting parties *ipso facto* releases the other powers signatory to the treaty from their obligations toward the power which has violated the engagements of the same treaty. It follows, moreover, that the right of defense is in no way affected or restricted by the engagements of the new treaty and that each power is entirely free to defend itself at will and according to its necessity against an attack or a foreign invasion.

Then follows the Russian note, a part of which I have read, and all of which will be printed for the advice of the Senate.

In addition to this, and it has not been mentioned to-day, the French note and other notes make it perfectly clear that the obligations of the Locarno pact and the obligations of the nations under the League of Nations pact are stipulated by certain of those nations to be not in any way affected by the present proposed treaty. So I wish to make just the observation that it is perfectly plain, as we enter upon the proposed ratification of the treaty, that it has already received many constructions and that controversies as to its meaning already exist.

Mr. ROBINSON of Indiana. Mr. President, since the question has been raised to-day with reference to possible interpretation of the treaty by some tribunal, and since an editorial of the New York Times has been referred to, I should like to ask the Senator from Idaho [Mr. BORAH] if he places the same construction on the activities in connection with the proposed ratification of this treaty as does the New York newspaper. I read from this morning's New York Times:

The peace treaty, even so, marks a great step in advance, but it is a step leading to something more. This is the reason why ratification of the treaty will be regarded in Europe as a sign, or even proof, that the United States proposes to return to closer cooperation with other nations. It is felt that the treaty will lead us, or should lead us, straight into the World Court. That tribunal constitutes one of the great "pacific means" to which we with others have pledged ourselves to resort. And behind the World Court, as its fostering parent, stands the League of Nations, which already exists as an organization able to make practically effective the pious aspirations of peace breathed in the Kellogg treaty. That instrument of peaceful intentions ought to be ratified. But it will be necessary later, in the legal phrase, to "implement" it by proceeding to more concrete measures and international agencies by which it may be made a living and continuous and effective force in the world.

I am asking the Senator if his idea coincides with that expressed in the editorial to the effect that ratification of the treaty would lead us directly into the World Court, and then immediately after that into the League of Nations?

Mr. BRUCE. Mr. President, may I ask the Senator from what he is reading? I am interested because it coincides so fully with my own views.

Mr. ROBINSON of Indiana. I read from an editorial published to-day in the New York Times.

Mr. BORAH. The Senator wants to know whether I agree with the Times.

Mr. ROBINSON of Indiana. Yes.

Mr. BORAH. Of course, the Times has been a very consistent and a very able advocate of the league and of the court, and has always thought that any step toward peace would be an inadequate and practically futile step unless it led ultimately to the court and to the league. As I understand, that is what it says in the editorial from which the Senator has read. I understand it says further, however, that it will be necessary, in order that we get nearer the court and nearer the league, to enter this treaty with some other distinctive action. In that respect I agree with the Times. I do not think the treaty brings us any nearer to the court or any nearer to the league. If we get any nearer we will have to do something distinctive in the future to get nearer.

Mr. ROBINSON of Indiana. Does the Senator mean to say that in his opinion some tribunal ultimately will be necessarily set up, either the World Court or some other tribunal, to interpret the treaty?

Mr. BORAH. Oh, no; I did not say that. I said that the Times was of the opinion that any effort toward peace was inadequate and futile unless it led ultimately to the court and to the league. That is the view of the Times, and it has been all the time.

Mr. ROBINSON of Indiana. I do not understand that that is the sense of the editorial.

Mr. ROBINSON of Arkansas. Mr. President—

The PRESIDING OFFICER (Mr. SACKETT in the chair). Does the Senator from Indiana yield to the Senator from Arkansas?

Mr. ROBINSON of Indiana. I yield.

Mr. ROBINSON of Arkansas. If a controversy arises between two of the signatories to the treaty as to the meaning of the treaty, since the treaty repudiates and renounces all means of force in the settlement of disputes, it necessarily implies that some tribunal will have to make the interpretation, does it not?

Mr. ROBINSON of Indiana. That is the point I am getting at.

Mr. ROBINSON of Arkansas. Or leave the matter entirely unsettled for all time to come.

Mr. ROBINSON of Indiana. I am asking the Senator from Idaho, who is in charge of the treaty here, if in his opinion, a tribunal of some sort is ultimately necessary to interpret the treaty?

Mr. BORAH. Certainly not. Understand me. For instance, suppose that two European nations should get into a controversy and under the terms of this treaty they should proceed to settle it by peaceful means; undoubtedly, they being members of the court, if they desired to go into the court they could do so, or they could arbitrate it, or they could settle it in any other way, or through diplomatic means. That would be an initiative or choice of the nations at the particular time as to how they should do it. All that this treaty proffers is that they will not seek to bring about a settlement through other than peaceful means. It leaves the peaceful means entirely to the discretion or the judgment or the initiative of the nations at the time the difficulty arises.

Mr. ROBINSON of Indiana. The only tribunal that could pass on the question through peaceful means at the present time, or perhaps the principal tribunal, would be the World Court.

Mr. BORAH. That would not be true with reference to the United States, because we are not a member of the World Court.

Mr. ROBINSON of Indiana. That is just the point. In that event, all the members who have adhered to the protocol of the World Court and who are also all, or practically all, members of the League of Nations could by pacific means decide a question in which we were vitally interested to our disadvantage and against our best interests. Assuming we should object, would not the United States in that event be placed in the position, so far as world opinion is concerned, of opposing pacific means and would not all of those, so far as the moral effect is concerned, be leagued in opinion against the United States?

Mr. BORAH. The World Court might at this time decide a controversy in which the United States had very great interest.

Mr. ROBINSON of Indiana. But at this time we are not bound by any treaty.

Mr. BORAH. We have our arbitration treaties, our conciliation treaties, The Hague tribunal, and other peaceful means which we could now choose, if we desired, with the same freedom that we could after the treaty shall have been signed.

Mr. ROBINSON of Indiana. The chief point I have in mind in interrogating the Senator or asking him these questions is to ascertain whether he entertains the view advanced by the New York Times to the effect that the ratification of this treaty by the Senate will necessarily practically lead us directly into the World Court?

Mr. BORAH. No. If the New York Times takes that view, with all due respect, I disagree with it.

Mr. JOHNSON. Mr. President, to one of the Senators who are engaged in the colloquy I wish to address myself for an instant. I have missed the entire point in this discussion if it has not been made perfectly clear and reiterated again and again that neither the World Court nor any other tribunal nor any country can have anything to do with the settlement of any question that may arise under the treaty, because to each nation itself is left the determination as to whether it acts in self-defense.

Mr. BORAH. Where the question of self-defense is involved, that would undoubtedly be true.

Mr. JOHNSON. Yes; that is undoubtedly true. So that it is left entirely and exclusively to the countries that are engaged in the controversy. If a question of self-defense—which, of course, is the one of any consequence that will arise—arises, it is left to the country itself to determine what it shall do, and that ends the controversy.

Mr. ROBINSON of Arkansas. Will the Senator from California yield to me?

Mr. JOHNSON. I yield.

Mr. ROBINSON of Arkansas. Recent history has demonstrated the difficulty of dealing with this subject. So far as I can recall, in every instance that has arisen since the World War where two nations have been in imminent danger of going to war, particularly referring to the Corfu incident, and the controversy between two South American Republics, more recent, it may be remembered that both parties to the disputes vigorously and persistently insisted that they were acting in self-defense; so that, in all probability, in the future, when nations lose the disposition to settle their differences in an amicable way, they may resort to force, as they have heretofore done, and will justify their course on the ground of self-defense.

The value of the treaty lies in its psychological effect in the creation of a public sentiment in favor of the employment of pacific means; but in a large degree we move in a circle and approach very nearly the point from which we started. When parties enter into an engagement not to fight, they keep the engagement so long as they are in a good humor; but if sufficiently angered, they are likely to forget the engagement and resort to violence. That is true both of individuals and of nations. However, as has been suggested here, it seems to be a difficulty that inheres in human relations.

Mr. JOHNSON. Mr. President, I think probably the Senator from Arkansas is entirely right in that regard, and the pity of it is that this country to-day stands agog, by virtue of what has been published in the press, with the idea that by the ratification of this treaty the Senate of the United States is going to bring a new era, a millennium to the world. This treaty is going to bring, I think, just what the Senator from Arkansas has indicated and nothing more at all.

Mr. BINGHAM. Mr. President, there are three points which I hope the Senator from Idaho, before he concludes the discussion entirely—in other words, before we have a vote on the treaty—will make perfectly clear even if doing so will involve repetition.

The first is in regard to the use of force. The senior Senator from Arkansas [Mr. ROBINSON] a few moments ago, if I understood him correctly, said that the treaty would do away with the use of force. The junior Senator from Maryland [Mr. TYDINGS] some time ago this afternoon said that it would require all dispute between nations to be settled by arbitration or conciliation or mediation. The passage which has just been read from the New York Times by the junior Senator from Indiana [Mr. ROBINSON] calls attention to the attitude of a large section of the press. The letters which we have received from hundreds of our constituents and the petitions which have been received show that a very large number of people in the United States seem to believe that this treaty will do away with the use of force and that in the future any settlement of disputes will only be a question of using amicable means as recognized under international law.

As the Senator from Idaho said yesterday, in reply to a question which I ventured to ask him, that assumption is not justifi-

fied, for international law recognizes nonamicable means short of war as a very definite way of settling disputes between nations; and the second article of this treaty which provides that the signatory powers will not use any other means except pacific means does not rule out the use of nonamicable measures short of war.

In order that there may be no question about that, Mr. President, I should like to read from one of the most recent standard works on international law, the Handbook of International Law, by George Grafton Wilson, professor of international law in Harvard University, second edition. In chapter 9 there is a list of "nonamicable measures of redress short of war," which include:

1. Breaking of diplomatic relations—

Which, as everyone realizes, is frequently a step toward war and which occurs generally when two nations get angry with one another.

2. Retorsion, which is a species of retaliation in kind. It usually consists in displaying subjects of the state giving cause for retaliation in a manner analogous, if not identical, with that accorded to the subjects of the state resorting to retorsion.

3. Reprisals, which consist in the adoption of measures of retaliation in order to obtain redress for action committed in violation of international right.

They frequently border on war.

4. Embargo, which is a special form of reprisal, and consists in general in the sequestration of the public or private property of an offending state—

And that can only be done by force—

or it may sometimes be applied by a state to its own vessels or goods—

As was done by the United States in 1807 and 1812.

5. Nonintercourse: Nonintercourse laws may, for the purpose of placing stress upon a state which is regarded as the offender, prohibit trade or other relations with its nationals.

6. Display—

And here we come to the meat in the coconut—

Display or restricted use of force: The display of force as a form of constraint to insure observance of rights is sometimes resorted to where the course of justice is uncertain or political conditions are disturbed.

The author goes on to say that "such force may be used to a limited degree without resorting to war"; in other words—

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield for a question?

Mr. BINGHAM. I will yield in a moment. In other words, the use of force short of war is sanctioned as a nonamicable measure of redress and the settlement of disputes. I now yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. Of course, technically speaking, there has been a somewhat loose use of the word "force" throughout the debate, but I am wondering if the Senator from Connecticut is taking the position that the "pacific means" referred to in the second article of the pending treaty for the settlement of international disputes are of the character which he has just been describing, namely, nonamicable means. I wonder if he is taking the attitude that the true construction of this treaty is that the nations are binding themselves to use those unfriendly processes which fall short of war but which, nevertheless, frequently provoke war in the settlement of international disputes. Does he not rather think that the real meaning of the words "pacific means" is the processes for peaceful settlement commonly known as arbitration, conciliation, judicial determination, and diplomatic negotiation?

Mr. BINGHAM. Mr. President, it has been taken for granted in all discussions on the subject that the measures to which the Senator has just referred are most certainly to be regarded as coming under the head of "pacific means." I have never heard any question raised as to that; but in chapter 8 of his book on international law, Professor Wilson gives a list of the amicable means, such as the negotiation, good offices and mediation, commissions of inquiry, the council of the League of Nations, arbitration, award, and the permanent court of international justice.

However, the point that I am trying to make, Mr. President, is that in a large degree in the public discussion of this question it has appeared to me that the persons discussing it limited the settlement of dispute to those measures which are generally known as amicable means of settlement of international differences.

Mr. ROBINSON of Arkansas. I do not think anyone has insisted that under no conditions may what the Senator terms, and what are properly termed, "nonamicable means" be em-

ployed and still the nation employing them keep within the terms of the treaty; but certainly the true interpretation of the treaty does not imply that the words "pacific means" shall be construed to countenance the employment of such methods as the display of military force or other processes which barely fall short of war. The word "pacific" is to be given I think its fair and usual definition. It means:

1. Serving to make or restore peace; adapted to reconcile differences; peace making; conciliatory, mild; appeasing; as to offer pacific propositions to a belligerent power.

2. Peaceful; not warlike.

The nonamicable methods to which the Senator from Connecticut has referred are rather warlike than peaceful; and certainly it is not an element of strength to this treaty to say that all the nations of the world which agree to it, agree to denounce war with the distinct understanding that they are to employ every means and agency at their command, however warlike, that may fall short of actual and technical violation of the express obligation of the treaty. The use of the words "pacific means" in the second article of this treaty implies that the nations will not proceed with warlike methods but will employ peaceful methods; that they will resort to tribunals if tribunals are in existence; that they will create tribunals if necessary. If the treaty has value, it lies in that fact.

Mr. BORAH. Mr. President, furthermore, this dissertation of the professor is based, it seems, entirely upon an offending nation—some nation which has violated a treaty or violated a right, or has offended another nation. Of course, the conditions there might be such that under those circumstances, in dealing with an offending nation, it might be justified in using methods just on the hither side of war; but, as the Senator from Arkansas said, it certainly would not be the true intent of the treaty or permissible under the treaty to employ those methods against an unoffending nation.

Mr. BINGHAM. I am again very regretful that the Senator has not had the opportunity of correcting what he said yesterday; for I understood him to say yesterday, in response to a question, that it would be permissible as a last resort, in settling disputes between nations, to use any measures short of war.

Mr. BORAH. I have no desire to modify that proposition when we take the facts as they are. When we are dealing with an offending nation or a nation which does not yield to what would be the fair interpretation of the treaty by peaceful means, I presume we could, of course, without technically violating the treaty, use such means as the offending nation has imposed upon us, and doubtless would.

Mr. BINGHAM. My object, Mr. President, was merely to call attention to the fact that this treaty did not mean that we were forbidden to use force, as so frequently has been said by those who are discussing it loosely—"it forbids the use of force." While it does put a premium on the use of arbitration and mediation, it does not forbid the use of force, because there are measures recognized in international law for the settlement of disputes which sanction the use of force and at the same time do not declare that there is a state of war.

There is one other point, Mr. President—and I shall take only a moment or two—and that is my regret that the Senator from Idaho said that nothing which any Senator in favor of the treaty might say on the floor in regard to it could be construed in the future as an interpretation of the treaty. I had most sincerely hoped that at least whatever was said by the chairman of the Foreign Relations Committee reporting the treaty with regard to its interpretation might in the future be regarded as an official interpretation of the attitude of those who were in favor of the ratification of the treaty at this time.

When he declines to assume that responsibility and says that we must take what a committee report has to say about it as our only official interpretation, and the committee makes no report, but publishes merely the hearings before the committee in which the Secretary of State has given his views with regard to the meaning of certain parts of the treaty, it seems to me that there is a very great necessity for the passage by the Senate of a resolution looking forward to the fact that in the future some nation, in attempting to defend before the world its actions with regard to the United States, or in endeavoring to secure public opinion to put us on the wrong side of a question before the world, may claim that the plain language of the treaty says "pacific means only," says nothing about self-defense, says nothing about our right to protect our interests in foreign lands, does not go as far as the Senator from Idaho went yesterday when he said that there was nothing in the treaty to prevent our using our

cruisers and marines in foreign lands for the protection of American citizens and American property, or go as far as he went to-day when he said that self-defense certainly includes and embraces the right to protect American lives and property, in whatever part of the world they may be. My fear is that foreign nations, in endeavoring to influence world opinion in the future, will point to the fact that there were no reservations made and no resolutions passed at the time of ratification of the treaty, whether in the form of reservations or not, to point out that that was the understanding of the Senate.

Finally, Mr. President, it must be borne in mind that there are very cordial advocates of the treaty throughout the length and breadth of the land—notably, some of the most distinguished clergymen in New York and vicinity—who have stated in public that to vote for the treaty and to vote for the cruiser bill is an unthinkable inconsistency. To their minds the treaty so plainly and clearly limits us to amicable measures of settling a dispute that there could be no need for cruisers in the future, and therefore that anyone who voted for both the treaty and the cruiser bill would be guilty of a glaring inconsistency.

Mr. SHIPSTEAD. Mr. President, will the Senator yield for a moment?

Mr. BINGHAM. Certainly.

Mr. SHIPSTEAD. In a speech that Mr. Briand, of France, made at the time the treaty was signed he said that this treaty outlawed war, but only selfish wars, limiting the outlawry to selfish wars. Is it not likely as many cruisers are needed to fight an unselfish war as to fight selfish wars? [Laughter.] I think possibly that problem ought to be borne in mind, in view of the discussion of the outlawry of war that has taken place in the Senate yesterday and to-day.

Mr. WATSON. Mr. President, I should like to ask the Senator a question.

The PRESIDING OFFICER (Mr. SACKETT in the chair). Does the Senator from Connecticut yield to the Senator from Indiana?

Mr. BINGHAM. I do.

Mr. WATSON. Does the Senator construe the Chamberlain note as a reservation to the treaty?

Mr. BINGHAM. Mr. President, I will say to the Senator that I am not a member of the Committee on Foreign Relations nor an international lawyer—

Mr. WATSON. No; but I am asking the Senator.

Mr. BINGHAM. And whatever construction I may put on it would be of very little value. What I am endeavoring to do is to find out whether, if I vote for the treaty, it would in any way express my view that the United States was hampering itself in its efforts in the future to protect American lives and property abroad at any time when the United States believed that its citizens needed such protection, whether its territory was involved or not, whether the Monroe doctrine was involved or not.

Mr. BORAH. Mr. President, when the Senator asked me with reference to whether the views of a Senator would be taken in the construction of a treaty, I undertook to state to him what I understood the rule would be in a judicial proceeding, such as has been announced by the Supreme Court of the United States. I do not know of any rule which could be invoked other than that. It might apply to a treaty or it might not; I do not know. I know of no precedents with reference to treaties. I should suppose the reasoning would apply to treaties.

My own opinion is that the individual view of a Senator would not be regarded as a construction of the treaty. I do not see how it could possibly be so, because another Senator might have a wholly different view, and one Senator's opinion is entitled to quite as much weight as the opinion of another. For that reason the Supreme Court rejects the individual view of a Senator or Member of the House of Representatives. It does not represent the Congress. It is not the authoritative voice of the law-making power. It is the view of some individual before the matter is finally put into the form of a law.

Mr. BINGHAM. Mr. President, before the Senator takes his seat, will he not, therefore, tell us why he objects to having the Senate pass a resolution stating in effect that it is the sense of the Senate that in ratifying this treaty there is nothing whatever done to interfere with our right of defending our territory or our citizens or interests abroad?

Mr. BORAH. For two reasons: In the first place, I regard that right as inherent in the treaty. Nothing we can say or do will add anything to that. In the second place, if the question of our right of self-defense is ever raised by a nation, aside from the treaty itself, the complete answer to it is in the communication of the Secretary of State to the nations at the time they signed the treaty.

Mr. WHEELER. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Montana?

Mr. BORAH. Yes.

Mr. WHEELER. Assuming that we ratify this treaty, and that the same state of affairs should arise between this country and England that arose between this country and Nicaragua, would we have a right to go into England and to carry on as we carried on in Nicaragua?

Mr. BORAH. Is the Senator speaking now of a right?

Mr. WHEELER. A right under the treaty.

Mr. BORAH. I do not understand the Senator's question. I do not see the application.

Mr. WHEELER. My question is this: If we should ratify this treaty, and the same conditions should arise in England as arose in Nicaragua, and we should get into the same difficulty with reference to our property—

Mr. BORAH. The treaty would not have anything whatever to do with that situation.

Mr. WHEELER. The Senator says it would not have anything to do with it?

Mr. BORAH. No. I think not.

Mr. BARKLEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Kentucky?

Mr. BORAH. I do.

Mr. BARKLEY. I should like to ask the Senator from Idaho whether he regards any letter or communication among negotiators before a treaty is signed as having the same force and effect as a reservation or limitation placed upon it by the ratifying body after the treaty had been signed?

Mr. BORAH. No; I would not so regard it.

Mr. BARKLEY. In other words, a letter written by any responsible statesman representing any government that signed this treaty, giving his individual views as to what it meant, would not have the same binding effect upon the interpretation of the treaty later as if the ratifying body of some nation in its ratification had a reservation or exception of some kind as to its own action and attitude toward it?

Mr. BORAH. Take, for instance, the question of self-defense: We will use that as an illustration. I take the position, as I have said, that the right of self-defense is inherent in the treaty. If they raise the question of good faith upon our part and contend that it is not sufficiently protected by the treaty, then, in my opinion, the complete answer would be the negotiations themselves. But my position is that the treaty of itself gives the absolute right of self-defense and these notes added nothing to the treaty in this respect.

Mr. BARKLEY. But if the Senate, in its ratification, should attach some reservation as a part of the ratification, that reservation would have more binding force than any letter or communication written before the treaty was signed?

Mr. BORAH. The reservation simply exempts the Government of the United States or some other government from some obligation under the treaty.

Mr. BARKLEY. Yes.

Mr. BORAH. It is not a construction of the treaty in the sense that it binds the other nations. It simply exempts us.

Mr. BARKLEY. Exactly; so that a communication written by any responsible officer of this or any other government before the treaty is actually signed would not be interpreted and could not be regarded as exempting or limiting our country or the country involved to the same extent as if the legislative body, or such other body as had to ratify the treaty, placed the reservation in the treaty itself, or in its ratification? Is that correct?

Mr. SWANSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Virginia?

Mr. BORAH. I do.

Mr. SWANSON. If the Senator will permit me, that very specific question came up last year before the Foreign Relations Committee.

The original treaty of arbitration to some extent was ambiguous as to whether or not it abolished the Bryan treaties. Inquiry was made as to that matter. It could have been construed either way. The Secretary of State came there, and the treaty was ambiguous, and he wrote a letter on the subject, and we agreed and reported; and under the form of that letter all treaties since have been modified. He wrote a letter stating that our interpretation of the treaty was that it did not modify in any respect the Bryan treaties. The first treaty was in the first form, and the committee agreed to take that method of having that ambiguous clause in the treaty clarified. That subject was considered at that time.

Mr. BARKLEY. Yes; but if the Senate, in ratifying the treaty, had placed on it a reservation or an interpretation saying that it did modify the Bryan treaties, the Secretary's letter would have been submerged as compared to the official action of the Senate?

Mr. SWANSON. It would have been submerged, because the French Government, I think, raised the question first; and the French Secretary of State replied to this letter that he so understood it, and accepted it.

Mr. ROBINSON of Arkansas. Mr. President, in all fairness and frankness, taking the instant case, the British Government has given notice of its interpretation of certain phases of this treaty. If we ratify this treaty without any mention of the subject matter of that note there is no tribunal in the world, judicial or political, that would ever question the right of the British Government to stand upon the interpretation placed in its note transmitted before the treaty was ratified.

Mr. JOHNSON. Mr. President, that is exactly what I wanted to add, and to say as well that when the British note is accompanied by a statement that the treaty is executed upon the express condition contained in what is said in the British note, there could be no question at all as to construction.

Mr. ROBINSON of Arkansas. If the Government had merely said, "Our interpretation of this treaty is as follows," and the exchange of ratifications was agreed upon subsequently, the Government making that interpretation would have the right to stand on it, because that was the object in making it.

Mr. BORAH. Mr. President, I do not disagree with that proposition, but what I say is that the letter does not change the treaty, it does not put any interpretation upon the treaty which would not exist without the letter.

Mr. ROBINSON of Arkansas. I have taken no issue with the Senator from Idaho on that.

Mr. REED of Missouri. I take issue, because I say that we must assume that the British statesmen had in mind that they were modifying this treaty. They were not indulging in useless words and saying something for the mere pleasure of saying it. They said this thing, they said it very solemnly, and they said it twice in the correspondence. It has been taken note of by the Russian Government and taken note of by Afghanistan, by Persia, by Egypt, by Rumania, and by Hungary. We can not assume that those words were not intended to enlarge or restrict in some way a construction which might be found in the instrument itself.

I do not think we ought to quibble about that. I am not here to try to raise objections. There are some things I want done with this treaty, but particularly when we have in mind that there is at the present time no authority in any body to construe the treaty, that its construction rests in the conscience of each nation, can there be any question but that the English conscience would be immediately in accord with any reasonable claim that would be made by the British Government that they intended to enlarge this treaty to cover certain matters? That is the conscience we have to deal with when we are leaving the entire enforcement of the treaty to the conscience—it has been said of the world—but it must always be the conscience of the particular nation that is particularly interested.

I disagree from the Senator with the greatest respect and the greatest reluctance, but I do not agree with him that Chamberlain uttered a mass of useless words, meaningless phrases, and solemnly repeated them the second time. I think I can show that it is at least an enlargement of the ordinary construction which ordinary men would put upon this treaty.

Mr. BORAH. Mr. President, I may repeat that the same official who wrote the note has put his own interpretation upon the note, and he says that the note was intended as nothing more than a statement of Great Britain's conception of her right of self-defense under the treaty.

Mr. REED of Missouri. Exactly.

Mr. BORAH. And he further states that it was no different from the right of self-defense which the United States has.

Mr. REED of Missouri. Nevertheless, he stated it, and he took pains to state it twice, and if he had been entirely content with our construction he would not have stated it.

I want to make an inquiry of the leader on the other side, as to whether we are to proceed with this debate now or to go to some other business. I think we have put in a full day's work on this treaty.

Mr. CURTIS. It is pretty late to begin any other business. We did want an executive session with closed doors, but I had hoped that the debate would run a little longer. It seems to me that 4 o'clock is a little early to stop.

Mr. BARKLEY. Mr. President, I would like to ask the Senator from Idaho another question, if we are going on with this. This treaty is bound to mean the same thing to all nations that have signed it. It can not mean one thing to one

nation and another thing to another nation. Otherwise it is not multilateral—whether the British Government's note was correct in the interpretation of the treaty or not. If the British note's interpretation is the correct interpretation, then is it not true that it is not only the correct interpretation for Great Britain but for all the other nations that have signed the treaty, if they were similarly situated with Great Britain, or in any degree similarly situated?

Mr. BORAH. It is the same to all nations. Each nation has the right of self-defense, and each nation determines for itself what is self-defense. Great Britain determines for itself what, in the condition of the British Empire, she conceives to be self-defense. We would do the same thing exactly toward what we conceived to be self-defense. Russia would do the same thing. It is the same right, the same principle, applicable to all signers of the treaty.

Mr. BARKLEY. So that if the position taken in the British note is inherent in the treaty, without the note, then it is equally inherent in the treaty for all nations. That is true, is it not?

Mr. BORAH. Not by reason of the British note, but by reason of the treaty.

Mr. BARKLEY. If the British note's interpretation, without the note, would have been inherent in the treaty, it would have been inherent for all the nations?

Mr. BORAH. Absolutely.

Mr. BARKLEY. And if the British note's interpretation is correct, then it is correct for all the nations?

Mr. BORAH. Exactly.

Mr. BARKLEY. So that the British note does no harm, whether it is simply an interpretation of the treaty that would not have been inherent, or whether it was an addition to the treaty. It applies to all the nations exactly the same, to the extent in which they may be situated similar to the position of Great Britain.

Mr. REED of Missouri. Oh, no.

Mr. BARKLEY. Is that correct?

Mr. BORAH. Well—

Mr. BARKLEY. Of course, there is no other nation situated as Great Britain is as respects self-defense.

Mr. BORAH. The principle of self-defense and the terms of the treaty are the same for all nations. Each nation determines for itself what is self-defense under the treaty, and that is common to all the nations. In that respect, of course, it is common to all the nations. Great Britain might put a construction upon it with which we would not agree, but the right to put the construction on it is hers. The principle is the same to all nations. We might disagree as to the application of it.

Mr. BARKLEY. Suppose in the future some other nation, in the shifting of territory, should acquire regions in other parts of the world that occupied the same relationship to the mother nation that these various regions occupy to England. The mere fact that that condition does not exist now would not prevent that particular nation from asserting the same right under this treaty that Great Britain now asserts?

Mr. BORAH. They would have that right if Great Britain had never written any note.

Mr. BARKLEY. So that whether the treaty carried with it that implication, or whether the British note adds something to it, after all is not very material, because it means the same thing in either instance to all the nations that have signed it?

Mr. BORAH. Exactly. There is nothing in the correspondence and the treaty combined with reference to self-defense that is not in the treaty singly and alone.

PRISON-MADE GOODS

As in legislative session,

The PRESIDING OFFICER (Mr. SACKETT in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 7729) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WATSON. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. COUZENS, Mr. FESS, and Mr. HAWES conferees on the part of the Senate.

EXECUTIVE SESSION BEHIND CLOSED DOORS

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business behind closed doors.

The motion was agreed to, and the doors were closed. After 10 minutes spent in executive session the doors were reopened,

and (at 4 o'clock p. m.) the Senate, as in legislative session, adjourned until to-morrow, Saturday, January 5, 1929, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 4 (legislative day of January 3), 1929

SPECIAL COUNSEL

Owen J. Roberts, of Pennsylvania, to be one of special counsel to have charge and control of the prosecution of litigation in connection with certain leases of oil lands and incidental contracts as provided in Senate Joint Resolution 54, approved February 8, 1924.

POSTMASTERS

CALIFORNIA

Viola A. Johnson to be postmaster at Chula Vista, Calif., in place of V. A. Johnson. Incumbent's commission expired January 9, 1928.

Charles F. Evers to be postmaster at Fortuna, Calif., in place of C. F. Evers. Incumbent's commission expired December 17, 1928.

Ruth A. Haskell to be postmaster at San Ysidro, Calif., in place of R. A. Haskell. Incumbent's commission expired December 17, 1928.

COLORADO

Valcie V. Vining to be postmaster at Wray, Colo., in place of A. J. Miller, resigned.

FLORIDA

Carrie C. Avriett to be postmaster at Jennings, Fla., in place of W. W. Zipperer, removed.

Emma M. Cromartie to be postmaster at Reddick, Fla., in place of E. M. Cromartie. Incumbent's commission expired December 20, 1928.

GEORGIA

Harry P. Womelsdorf to be postmaster at Cartersville, Ga., in place of H. P. Womelsdorf. Incumbent's commission expires January 5, 1929.

William H. Blitch to be postmaster at Statesboro, Ga., in place of W. H. Blitch. Incumbent's commission expires January 5, 1929.

ILLINOIS

Eugene L. Hiser to be postmaster at Bloomington, Ill., in place of E. E. Jones, removed.

Ralph Redding to be postmaster at Fisher, Ill., in place of D. A. Rome, resigned.

Edward J. Briswalter, jr., to be postmaster at Grayville, Ill., in place of A. L. Patterson. Incumbent's commission expired May 12, 1926.

Peter J. Aimone to be postmaster at Toluca, Ill., in place of W. E. Skelton. Incumbent's commission expired January 7, 1928.

INDIANA

David E. Conrad to be postmaster at Lapel, Ind., in place of F. S. Huffman, resigned.

IOWA

Clyde W. Edwards to be postmaster at Adair, Iowa, in place of C. W. Edwards. Incumbent's commission expired December 29, 1928.

Frank C. Bentley to be postmaster at Rhodes, Iowa, in place of L. E. Perry, resigned.

KANSAS

Henry A. Cory to be postmaster at Alta Vista, Kans., in place of H. A. Cory. Incumbent's commission expires January 6, 1929.

Clarence T. Taylor to be postmaster at Arlington, Kans., in place of C. T. Taylor. Incumbent's commission expires January 6, 1929.

Henry N. Van Doren to be postmaster at Deerfield, Kans., in place of H. N. Van Doren. Incumbent's commission expires January 6, 1929.

Guy W. Bryan to be postmaster at Delia, Kans., in place of G. W. Bryan. Incumbent's commission expires January 6, 1929.

George H. Leisenring to be postmaster at Ellis, Kans., in place of G. H. Leisenring. Incumbent's commission expires January 6, 1929.

Grace E. Wilson to be postmaster at Milford, Kans., in place of G. K. Morris, removed.

Clara G. McNulty to be postmaster at Stockton, Kans., in place of C. G. McNulty. Incumbent's commission expires January 6, 1929.

KENTUCKY

Edmund T. Davern to be postmaster at Kenvir, Ky., in place of B. J. Williams, resigned.

Everett E. Davis to be postmaster at Louellen, Ky. Office became presidential July 1, 1928.

E. Paul Counts to be postmaster at Olive Hill, Ky., in place of H. G. Hicks, removed.

LOUISIANA

Emile Aubert to be postmaster at Abite Springs, La., in place of Emile Aubert. Incumbent's commission expired December 13, 1928.

Jessie V. Leech to be postmaster at Mer Rouge, La., in place of J. H. Leech, resigned.

MARYLAND

William G. Smyth to be postmaster at Chestertown, Md., in place of J. N. Bennett. Incumbent's commission expired January 7, 1928.

Louis J. DeAlba to be postmaster at Glenburnie, Md. Office established July 1, 1928.

Robert G. Merryman to be postmaster at Monkton, Md., in place of C. R. Wilhelm, removed.

MASSACHUSETTS

Florence L. Beal to be postmaster at North Cohasset, Mass., in place of E. T. Brickett, resigned.

MICHIGAN

Agnes B. Ruttle to be postmaster at Carsonville, Mich., in place of A. B. Ruttle. Incumbent's commission expires January 6, 1929.

Florence R. Woodbridge to be postmaster at Sidnaw, Mich., in place of F. R. Woodbridge. Incumbent's commission expires January 6, 1929.

Curtis Van Prentice to be postmaster at South Haven, Mich., in place of Curtis Van Prentice. Incumbent's commission expired December 12, 1928.

James L. Blakeley to be postmaster at Standish, Mich., in place of J. L. Blakeley. Incumbent's commission expires January 6, 1929.

MINNESOTA

Ernie L. Emmons to be postmaster at Emmons, Minn., in place of G. H. Emmons, deceased.

James E. Parish to be postmaster at Houston, Minn., in place of J. E. Redding. Incumbent's commission expired January 25, 1927.

Joseph L. Gilson to be postmaster at Ivanhoe, Minn., in place of J. L. Gilson. Incumbent's commission expires January 6, 1929.

Mary A. Mogren to be postmaster at Ortonville, Minn., in place of M. A. Mogren. Incumbent's commission expired December 9, 1928.

Niels F. Petersen to be postmaster at Tyler, Minn., in place of N. F. Petersen. Incumbent's commission expires January 6, 1929.

MISSISSIPPI

Emma E. Hale to be postmaster at Natchez, Miss., in place of H. D. Hale, deceased.

MISSOURI

Clara Harlin to be postmaster at Gainesville, Mo., in place of A. C. Wood, removed.

Charles W. Lowry to be postmaster at Normandy, Mo., in place of C. A. McSwiney, resigned.

MONTANA

Nora M. Henley to be postmaster at Geyser, Mont., in place of N. M. Henley. Incumbent's commission expired December 12, 1928.

Stanley A. Yergey to be postmaster at Hardin, Mont., in place of S. A. Yergey. Incumbent's commission expired December 12, 1928.

Roy D. Beagle to be postmaster at Savage, Mont., in place of R. D. Beagle. Incumbent's commission expired December 29, 1928.

Alma M. Engle to be postmaster at Somers, Mont., in place of A. M. Engle. Incumbent's commission expires January 6, 1929.

William Fraser to be postmaster at Three Forks, Mont., in place of William Fraser. Incumbent's commission expires January 6, 1929.

NEBRASKA

Laurence N. Merwin to be postmaster at Beaver City, Nebr., in place of L. N. Merwin. Incumbent's commission expires January 6, 1929.

Clarissa Bilyeu to be postmaster at Big Spring, Nebr., in place of N. G. Craig, resigned.

Marcus H. Carman to be postmaster at Cook, Nebr., in place of M. H. Carman. Incumbent's commission expires January 6, 1929.

Joe G. Crews to be postmaster at Culbertson, Nebr., in place of J. G. Crews. Incumbent's commission expires January 6, 1929.

Charles H. Fueston to be postmaster at Dakota City, Nebr., in place of C. H. Fueston. Incumbent's commission expires January 6, 1929.

William C. Coupland to be postmaster at Elgin, Nebr., in place of W. C. Coupland. Incumbent's commission expires January 6, 1929.

Lucy L. Mendenhall to be postmaster at Elk Creek, Nebr., in place of L. L. Mendenhall. Incumbent's commission expires January 6, 1929.

Charles E. Cook to be postmaster at Franklin, Nebr., in place of C. E. Cook. Incumbent's commission expires January 6, 1929.

James J. Green to be postmaster at Moorefield, Nebr., in place of J. J. Green. Incumbent's commission expires January 6, 1929.

Herbert L. Wichman to be postmaster at Norfolk, Nebr., in place of H. L. Wichman. Incumbent's commission expires January 6, 1929.

George A. Ayer to be postmaster at Oxford, Nebr., in place of G. A. Ayer. Incumbent's commission expires January 6, 1929.

Olaf H. Larson to be postmaster at Shickley, Nebr., in place of O. H. Larson. Incumbent's commission expired December 11, 1928.

Lulu C. Brown to be postmaster at Stockville, Nebr., in place of L. C. Brown. Incumbent's commission expires January 6, 1929.

Franz J. Riesland to be postmaster at Wood River, Nebr., in place of F. J. Riesland. Incumbent's commission expires January 6, 1929.

NEW JERSEY

David Tumen to be postmaster at Atlantic Highlands, N. J., in place of David Tumen. Incumbent's commission expired December 13, 1928.

John R. Yates to be postmaster at Bivalve, N. J., in place of J. R. Yates. Incumbent's commission expires January 6, 1929.

Earl C. Woodworth to be postmaster at Essex Fells, N. J., in place of Edwin Condit, deceased.

NEW YORK

John A. Crager to be postmaster at Hagaman, N. Y., in place of J. A. Crager. Incumbent's commission expires January 6, 1929.

Hazel I. VanNamee to be postmaster at Richville, N. Y., in place of H. G. VanNamee, removed.

NORTH CAROLINA

Keiffer L. Long to be postmaster at Thomasville, N. C., in place of F. E. Sigman, removed.

NORTH DAKOTA

Myron B. Fallgatter to be postmaster at Kintyre, N. Dak. Office became presidential July 1, 1928.

Bernice R. Ronning to be postmaster at Kramer, N. Dak., in place of S. M. Ronning, deceased.

OHIO

Calvin M. Crabtree, jr., to be postmaster at Convoy, Ohio, in place of J. A. Dressel. Incumbent's commission expired February 24, 1924.

Charles F. Shoemaker to be postmaster at Pickerington, Ohio, in place of C. F. Shoemaker. Incumbent's commission expired December 17, 1928.

Clarence S. Frazer to be postmaster at Xenia, Ohio, in place of C. S. Frazer. Incumbent's commission expired December 12, 1928.

OKLAHOMA

Jennie L. Timberlake to be postmaster at Terral, Okla., in place of J. L. Timberlake. Incumbent's commission expired December 12, 1928.

OREGON

Earl B. Watt to be postmaster at Falls City, Oreg., in place of E. B. Watt. Incumbent's commission expires January 5, 1929.

Jay W. Moore to be postmaster at Harrisburg, Oreg., in place of J. T. Anderson. Incumbent's commission expired March 19, 1928.

Clarence C. Presley to be postmaster at Newport, Oreg., in place of O. P. Shoemaker, resigned.

PENNSYLVANIA

Beatrice Davidson to be postmaster at Grindstone, Pa., in place of Beatrice Davidson. Incumbent's commission expired February 18, 1928.

Harry G. Miller to be postmaster at Hillcoke, Pa. Office became presidential July 1, 1928.

Anna R. Parker to be postmaster at Kulpmont, Pa., in place of A. R. Parker. Incumbent's commission expired January 8, 1928.

Winston J. Beglin to be postmaster at Midland, Pa., in place of W. J. Beglin. Incumbent's commission expired March 1, 1928.

Mary G. Cann to be postmaster at Stoneboro, Pa., in place of W. B. Parker. Incumbent's commission expired January 24, 1928.

PORTO RICO

Luis E. Kolb to be postmaster at Utuado, P. R., in place of Moises Jordan, removed.

SOUTH CAROLINA

Hamilton R. Burkett to be postmaster at Eastover, S. C., in place of E. C. Rye, removed.

SOUTH DAKOTA

Nellie M. Sullivan to be postmaster at Athol, S. Dak., in place of N. M. Sullivan. Incumbent's commission expired December 11, 1928.

TENNESSEE

Grosvenor M. Steele to be postmaster at Bemis, Tenn., in place of G. M. Steele. Incumbent's commission expires January 6, 1929.

Emma R. Kilgore to be postmaster at Cottagegrove, Tenn., in place of E. R. Kilgore. Incumbent's commission expires January 6, 1929.

Sampson DeRossett to be postmaster at Crossville, Tenn., in place of Sampson DeRossett. Incumbent's commission expires January 6, 1929.

Roe Austin to be postmaster at Dover, Tenn., in place of Roe Austin. Incumbent's commission expires January 6, 1929.

Stephen Hixson to be postmaster at Dunlap, Tenn., in place of Stephen Hixson. Incumbent's commission expires January 6, 1929.

Benjamin Ford to be postmaster at Hartford, Tenn. Office became presidential July 1, 1928.

Link Monday to be postmaster at Kimberlin Heights, Tenn., in place of Link Monday. Incumbent's commission expires January 6, 1929.

Carrie S. Honeycutt to be postmaster at Wartburg, Tenn., in place of C. S. Honeycutt. Incumbent's commission expires January 6, 1929.

TEXAS

Elizabeth Ingenhuett to be postmaster at Comfort, Tex., in place of Elizabeth Ingenhuett. Incumbent's commission expired December 20, 1928.

Alvin O. Fricke to be postmaster at Kingsbury, Tex., in place of A. O. Fricke. Incumbent's commission expired December 20, 1928.

Ruth S. Marion to be postmaster at Kermit, Tex. Office became presidential October 1, 1928.

Edward H. Reinhard to be postmaster at Poth, Tex., in place of E. H. Reinhard. Incumbent's commission expired December 10, 1928.

Susan Sipes to be postmaster at Sinton, Tex., in place of M. W. Williams, resigned.

Emil J. Spickerman to be postmaster at Skidmore, Tex., in place of E. J. Spickerman. Incumbent's commission expired December 20, 1928.

UTAH

Joseph Odell to be postmaster at Logan, Utah, in place of Joseph Odell. Incumbent's commission expires January 6, 1929.

Warren W. Porter to be postmaster at Morgan, Utah, in place of W. W. Porter. Incumbent's commission expires January 6, 1929.

John E. Lunt to be postmaster at Nephi, Utah, in place of J. E. Lunt. Incumbent's commission expires January 6, 1929.

Robert S. Calderwood to be postmaster at Tremonton, Utah, in place of S. W. Elswood, removed.

VIRGINIA

Peter L. Cooper to be postmaster at Clarksville, Va., in place of W. B. Alfred, deceased.

Edgar B. Elliott to be postmaster at Gate City, Va., in place of H. E. Lane, removed.

WISCONSIN

Redmond F. English to be postmaster at Arcadia, Wis., in place of S. K. Gaveney, removed.

Orville T. Huggins to be postmaster at Belmont, Wis., in place of T. C. Snyder, deceased.

Bert Piepenburg to be postmaster at Mountain, Wis., in place of Marinus Jensen, deceased.

George H. Drake to be postmaster at Rothschild, Wis., in place of Clytie Geiger, removed.

WYOMING

Charles M. FitzMaurice to be postmaster at Greybull, Wyo., in place of B. R. Jones, removed.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 4 (legislative day of January 3), 1929

SPECIAL COUNSEL

Owen J. Roberts, of Pennsylvania, special counsel, to have charge and control of the prosecution of litigation in connection with certain leases of oil lands and incidental contracts as provided in Senate Joint Resolution 54, approved February 8, 1924.

POSTMASTERS

FLORIDA

Victor Allen, Bushnell.

MONTANA

William G. Hunter, Boulder.

HOUSE OF REPRESENTATIVES

FRIDAY, January 4, 1929

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Knowing the fullness of Thy mercy and the majesty of Thy love we would again, dear Lord, revive the ministry of praise. In the ages to come we hope to serve Thee by praise, but here and now we can serve Thee best by service. We thank Thee that out of the gates of Thy throne flow the streams of benevolence that sweeten the bitter waters of afflicted and sorrowing human life. In the name of Him who achieved miracles of restoration and recovery we ask the blessing of comfort and healing upon the stricken multitudes of our country. O Thou in whom purity, goodness, and power came to their full fruition, stay Thou the contagion that is abroad in our land. Bring to all our people new strength, new hope, and new vision. O lift the curtains of the world and show Thyself to be great and holy, and may humanity everywhere fall at Thy feet with joy. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 15569. An act making appropriations for the Departments of State and Justice and for the judiciary and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1930, and for other purposes.

RECLASSIFICATION OF FEDERAL EMPLOYEES

Mr. CELLER. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. CELLER. Mr. Speaker, ladies, and gentlemen of the House, I desire to direct the attention of this body to a bill which I have just placed in the hamper, a companion bill to a bill offered in the Senate yesterday by Senator BROOKHART. This bill attempts to bring about some sort of justice and equity in connection with the carrying out of the varying features of the Welch bill, the salary increase bill. When we in the last session passed the Welch bill we thought we were at least going to give some sort of justice to the rank and file of the civilian employees, but unfortunately in the carrying out or in the administration of that act inequalities which heretofore existed were greatly aggravated. If any of you go to the various departments and you want to find out some information as to how that act was administered, you will find a great deal of dissatisfaction, a great deal of injustice. You will find instead of a leveling of the inequalities that the injustices, inadequacies in salary, and discriminations as to grade have greatly increased

in the administration of this act. The bill which I have offered seeks to remedy to a great extent those injustices, and I ask your kindly consideration of it, particularly the members of the Civil Service Committee. I acted as one of the House managers in the conference on the Welch bill. I held out for the Senate bill because it was more liberal than the House bill. It was fairer. A spirit of economy—I should say parsimony—prevailed, dictated from above. The administration would not pay the price of giving the rank and file a living wage. My bill and that of Senator BROOKHART will give complete satisfaction.

LEAVE OF ABSENCE

Mr. DICKINSON of Iowa. Mr. Speaker, I request that my colleague, Mr. DOWELL, of Iowa, be given leave of absence for 10 days on account of a death in his immediate family.

The SPEAKER. Without objection, it is so ordered. There was no objection.

NATIONAL SANATORIUM, MARION, IND.

Mr. HALL of Indiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on H. R. 14153, now on the House Calendar, with reference to an appropriation for the Marion National Sanatorium.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HALL of Indiana. Mr. Speaker, on December 17 the House had under consideration H. R. 14153, to authorize an additional appropriation of \$150,000 for the construction of a hospital annex at the Marion (Ind.) Branch. The discussion of this bill indicates considerable misinformation and lack of understanding of the purposes of this appropriation and the reason for the additional amount.

The Sixty-ninth Congress authorized an appropriation of \$700,000 for this sanatorium—\$600,000 of which was made available for the construction of three cottages and \$100,000 for the hospital annex. Since this authorization the Supervising Architect of the Treasury Department has been making definite plans for the construction of these buildings. He finds and advises that the \$100,000 provided for the hospital annex is not sufficient to give the required relief and states in a letter to the Secretary of War that an additional \$150,000 is necessary. In order that the Members of the House may be more fully acquainted with the Marion Sanatorium, I am submitting a statement which covers not only the work which is being done by the hospital but gives a good résumé of the equipment. I would especially call attention to that paragraph concerning the treatment hospital which states that at the present time about 40 terminal cases of paresis are cared for, is overcrowded and the beds occupied by these cases of paresis are needed for other patients with disabilities requiring special treatment. To correct this situation, it is proposed to construct a building to be used as an annex to the treatment hospital, this building to have a capacity of not less than 50 beds for the accommodation and proper segregation of these terminal cases of paresis. The building would be located immediately in the rear of the present treatment hospital and operated as an annex to the treatment service. As indicated above, such a building would materially relieve the congested situation on the treatment hospital and afford far better care for this special type of patients.

The Marion National Sanatorium was formally opened for the care of ex-service men suffering from nervous and mental diseases January 1, 1921. At that time there was available for occupancy approximately 300 beds. A large proportion of the hospital facilities were being reconstructed so as to properly care for patients of this type. The capacity was rapidly increased to 1,012. These beds were occupied almost as rapidly as buildings were completed. On February 20, 1923, a hospital unit for tuberculosis and neuropsychiatric patients was opened with a bed capacity of 80 beds, this increasing the capacity of the hospital to 1,092. For approximately two years the entire hospital has been filled to capacity, and during the past year and a half there has been at all times a waiting list of from 40 to 60 to 70 patients. It is ordinarily considered good hospital practice for hospitals of this type to have at least 10 per cent vacancy in order to facilitate transfers necessary for better care and administration and to properly segregate the different types of mental diseases. Owing to the large number of applications for admission that has been received, for over a year the number of vacant beds has at all times been less than 3 per cent. This has resulted in the following condition, namely, that whenever it was necessary to transfer a patient for medical or surgical treatment to the treatment hospital, it was necessary to transfer some one out to another building, and this in turn demanded four to six transfers.

It can readily be seen that this is not good hospital practice and does not make for the best care and administration. The

number of applications for admission is increasing rather than decreasing, and from all sources of information throughout this section of country, it would seem that this condition will obtain for an indefinite period. Although there is a Veterans' Bureau hospital with a capacity of 500 beds at Chillicothe, Ohio; one at Camp Custer, Mich., bed capacity, 500; limited facilities at Edward Hines, Jr., Hospital, Chicago; and a newly opened hospital at Great Lakes, Chicago, for the same type of cases, still the need for additional beds is urgent, and it would seem that an increase in bed capacity at the Marion National Sanatorium is the logical solution of this problem, in view of the fact that this hospital has been operating for over five years successfully.

There is maintained an exceedingly well-trained, well-organized, and efficient medical staff to which only minor additions would be necessary if additional beds were provided.

There is a nursing corps of 55 graduate registered nurses, especially trained in the care of nervous and mental patients. This nursing staff is exceedingly efficient and would require only a moderate number of additions. The other hospital personnel is well organized and efficient.

There is at this hospital one of the best-equipped clinical laboratories in the country. It is adequately personneled to care for the present patient population as well as any other additional patients in the future.

There is an exceptionally well organized and equipped occupational-therapy school housed in a specially designed and constructed building for this purpose. It is in charge of a chief aide with 12 assistant aides, directly under the supervision of the medical director and superintendent.

There are electro and hydro therapy departments fully equipped and have sufficient capacity to take care of additional patients.

There is maintained a general library of 4,863 volumes, and in addition to the books listed there are 61 weekly and monthly magazines and newspapers provided. This library is housed in a most splendid building equipped with reading rooms and an amusement hall.

There is a very commodious and well-equipped gymnasium of sufficient capacity to care for the needs of even a larger hospital than at present. The physical rehabilitation work carried on in this gymnasium is under the direction of a physical director and an assistant who have had long experience in this work and are exceedingly efficient.

There is also maintained a commodious theater, where picture shows, vaudeville, and other entertainments are given three times a week throughout the season.

The reservation consists of 333 acres, 120 of which is under cultivation.

The executive, finance, quartermaster's, and commissary departments are fully organized and are functioning in a most economical and efficient manner. These departments are all adequate to properly administer a hospital of increased capacity.

All the necessary utilities, such as water supply, electric power, heat, and sewerage, are installed. The only additional requirements for a hospital of increased capacity would be minor additions to the heating plant consisting of one 250-horsepower boiler.

From the above it can be readily noted that, first, the need exists for additional beds for neuropsychiatric cases; second, that with an institution fully equipped in all departments and proper utilities already existing additional hospital facilities can be provided at a far more economical figure than could be done in case another neuropsychiatric hospital were to be constructed from the ground up. It is believed that new hospital buildings could be constructed here in the minimum period of time, and as rapidly as completed the necessary additional personnel could be provided and the additional 250 beds contemplated thrown open for the reception of patients in a much shorter time than would be possible under any other condition.

The four building, with a capacity of 250 beds, asked for, are needed for very definite and specific reasons.

The treatment hospital, where at the present time about 40 terminal cases of paresis are cared for, is overcrowded and the beds occupied by these cases of paresis are needed for other patients with disabilities requiring special treatment. To correct this situation, it is proposed to construct a building to be used as an annex to the treatment hospital, this building to have a capacity of not less than 50 beds for the accommodation and proper segregation of these terminal cases of paresis. The building would be located immediately in the rear of the present treatment hospital and operated as an annex to the treatment service. As indicated above, such a building would materially relieve the congested situation on the treatment hospital and afford far better care for this special type of patients.

One building of approximately 65-bed capacity is urgently needed to relieve the congestion on the reception service. The number of extremely psychotic patients received on this service has steadily increased and the facilities on the reception service where these patients must necessarily be kept for a period of observation, while adequate when the building was constructed a few years ago, are entirely inadequate at the present time and from the type and number of applications received for admission, it is believed that this situation will be a permanent one. Therefore, the construction of this building is deemed of the greatest importance to the proper administration of the reception service.

The other two buildings proposed are to be used for the care and segregation of other types, mainly, the various forms of dementia præcox which constitute a large percentage of admissions.

As the situation now exists, the four new buildings with a bed capacity of 250, now under construction, will give relief from the present congestion in all departments, thereby permitting a better classification, proper segregation, and more satisfactory results in the treatment of all patients. Finally, and of the greatest importance, it would afford relief to a large number of ex-service men with nervous and mental disabilities throughout this district, who are and will be, in the future, in urgent need of hospital care and for whom no hospital facilities are available.

JUSTICE FOR FORMER EMERGENCY OFFICERS

Mr. WURZBACH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill H. R. 10436, introduced by myself.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WURZBACH. Mr. Speaker, supplemental legislation is greatly needed to correct the excessive disparities between the pay of those former emergency officers, originally appointed lieutenant colonels, majors, captains, and first lieutenants under section 24 of the act of June 4, 1920, and officers of the pre-war Regular Army now in those grades. I feel sure these inequalities and unfair, unjust discriminations against the emergency officers were never intended by Congress, would never have occurred had Congress been properly and fully advised in the matter at the time of the passage of the pay readjustment act in 1922, and will quickly be wiped out when Congress realizes the situation.

This pay act was a measure intended to equalize conditions, to partially recompense the emergency officers in pay for what they had lost or been deprived of by various unjust and discriminatory measures, rulings, constructions, and acts. In order to fully understand the purposes of this bill and its provisions the first thing to do is to see what it does not do.

It does not in any way affect or change the promotion list; nobody loses or gains a single file. It has nothing to do with retirement. It does not apply for any longevity or "fogy" purposes. It does not in the least conflict or interfere with any past or pending legislation and is not included in any other bill. This corrective legislation is needed irrespective of whether any other pending bills pass or fail. Nobody loses a single dollar by its provisions. It does not grant any double benefits, for when one is promoted he gets no benefit from this bill; it only helps those who are not promoted. It is not opposed by any class, for opposition or amendments to it would be without real justice and merit, only an attempt by some to have themselves included in the bill, get something for themselves, right or wrong, or object simply because they do not get something. Further, it does not in any way change the principles of the pay act of June 10, 1922 (42 Stat. 631), nor its rates of pay and allowances or schedule of years.

On the contrary, this bill merely supplies an accidental omission in said pay act, benefits about 2,200 former emergency officers in the matter of their pay only, without injuriously affecting anybody in any way. It includes everyone possible under the provisions and principles of the pay act.

It merely allows the former emergency officers appointed first lieutenants, captains, majors, or lieutenant colonels as of July 1, 1920, under the act of June 4, 1920 (41 Stat. 759), to retain the equivalents, or constructive periods, of 3, 7, 14, and 20 years, respectively, given them in the pay act to put them in the second, third, fourth, or fifth pay periods, and to add to such terms their actual service, and thus be enabled to advance to a higher pay period when not promoted. This is the whole sum and substance of this bill. As the law now is, if promoted, they keep this constructive service, have it to start, only lose it when not promoted, the very time they need

it most. For the cardinal principle of the pay act as set forth in the report (No. 926) on it is to help those not promoted, to "protect the individual in the case of abnormally slow promotion."

And it is principally the former emergency officers who have been and are suffering from "abnormally slow promotion." Beginning with July 1, 1920, literally thousands of pre-war Regulars have been promoted to major generals, brigadier generals, colonels, lieutenant colonels, and majors, but with the small exception of about a dozen old majors, nearly all of whom are now dead or retired, no former emergency officers have been promoted to any of these grades. A careful investigation of the hearings before the committees, their reports, and the discussions in Congress relative to said pay act discloses statements by Senator Wadsworth, Representatives McKenzie, WILLIAM B. OLIVER, JOHN Q. TILSON, BYRNS, and Gen. John J. Pershing, showing it was the purpose and intention to grant the former emergency officers these periods of 3, 7, 14, and 20 years of constructive service for all pay-period purposes. By inadvertence Congress failed to make it apply in event the officer was not promoted. (See p. 6540, vol. 62, pt. 6, and pp. 6622 and 6821, vol. 62, pt. 7, CONGRESSIONAL RECORD; also hearings on pay act on November 25, 1921, before a joint committee, p. 109; and Rept. 926 on pay act of 1922, p. 8.)

After the World War the Army was reorganized, mainly under the act of June 4, 1920, which contains several restrictions and limitations for the former emergency officers which were not held applicable to the pre-war Regulars. These were as to the grades the emergency officers could fill, the small number of them appointed in the higher grades, the limits as to age, requirements as to examinations, and position on the promotion list. By various interpretations, constructions, and rulings, made either contrary to the legal opinions of the established authorities, or without any proper opinions, the former emergency officers were placed in unfavorable positions in several ways. The selection of these former emergency officers to be appointed and the arranging of the promotion list were done by boards composed entirely of pre-war Regulars.

Having this in mind, Congress passed the pay readjustment act of June 10, 1922, endeavoring to equalize matters by making it possible for the former emergency officers to start in higher pay periods, to advance in pay periods, and get additional pay, since their chances to be promoted in grade had been rendered very small, or greatly deferred.

For this reason and on account of their greater age, education at their own expense, their experience, World War service, judgment and training, all of which they brought as a voluntary contribution to the Army, the former emergency officers appointed colonels were considered as having 26 years' constructive service and placed in the sixth pay period; those appointed lieutenant colonels were considered as having 20 years' constructive service and placed in the fifth pay period; those appointed majors were considered as having 14 years' service and placed in the fourth pay period; those appointed captains were considered as having 7 years' service and placed in the third pay period; and finally those appointed first lieutenants were considered as having 3 years' service and placed in the second pay period. The pay act establishes six pay periods, with base pay for the first of \$1,500 a year, progressing up to the sixth with a base pay of \$4,000 a year.

This act puts in the sixth pay period the pre-war Regular colonels having over 26 years' service, and these former emergency officers appointed colonels, without regard to their length of service, so these latter are considered as having such 26 years as constructive service for pay-period purposes only. But actually only 5 emergency officers were appointed colonels out of the 599 colonels authorized by the act of June 4, 1920, which required that—

a suitable number be appointed in each grade below brigadier general.

It also includes in the sixth period the emergency lieutenant colonels promoted to colonels, irrespective of their length of service, whilst the pre-war lieutenant colonel promoted to colonel must have over 26 years' service. So the emergency lieutenant colonel retains his constructive service when promoted.

The fifth pay period embraces pre-war lieutenant colonels with over 20 and less than 30 years' service and those former emergency officers appointed lieutenant colonels without regard to their length of service, so these latter are considered as having the needed 20 years as constructive service for pay-period purposes only. But actually only 14 emergency officers were appointed lieutenant colonels out of the 674 lieutenant colonels authorized by the act of June 4, 1920. It also includes emergency majors promoted to lieutenant colonels, without regard to their length of service, whilst the pre-war Regular

major thus promoted must have over 20 years' service to advance to the fifth pay period. So the emergency major retains his constructive service when promoted.

Certainly the emergency lieutenant colonels not promoted and having 10 years' actual service should be allowed to add this to their 20 years' constructive service to make the 30 years needed to advance to the sixth pay period. This the pay act accidentally omitted, but this bill supplies it and cures the defect.

Under the present law the pre-war Regular lieutenant colonel serves 10 years at most in the fifth period, then advances to the sixth period whether promoted or not, but the emergency lieutenant colonel not promoted must have 30 years' actual service before he can advance to the sixth period. As he had to be over 45 years old to be appointed and must retire at 64 it is impossible for him to thus advance to the sixth period. This inequality, discrimination, and injustice this bill rectifies and removes by adding to those in the sixth period the emergency lieutenant colonels, not promoted, who have completed 10 years' actual service.

The fourth pay period embraces pre-war majors with over 14 and less than 23 years' service, and those former emergency officers appointed majors without regard to their length of service, so these latter are considered as having the needed 14 years as constructive service for pay-period purposes only. But only 208 emergency officers were appointed majors out of the 2,245 majors authorized by the act of June 4, 1920. It also embraces emergency captains promoted to majors without regard to their length of service, whilst the pre-war captain promoted to major must have over 14 years' service, so the emergency captain retains his constructive service when promoted. Emergency majors not promoted and having 9 years' actual service should be allowed to add this to their 14 years' constructive service to make the 23 years necessary to advance to the fifth pay period. This is what the law now accidentally omits and this bill supplies.

Now, the pre-war Regular major serves nine years at the most in this fourth period, then advances to the fifth period whether promoted or not, but the emergency major not promoted must have 23 years' actual service before he can advance to the fifth period. As he was on the average about 43 years old when appointed and must retire at 64 scarcely any can thus advance to the fifth pay period. This inequality, discrimination, and injustice this bill also rectifies and removes by adding to those in the fifth pay period the emergency majors not promoted who have completed nine years' actual service.

The third pay period embraces pre-war captains, with over 7 and less than 17 years' service, and these former emergency officers appointed captains without regard to their service, so these latter are considered as having the needed 7 years as constructive service for pay-period purposes only. It also embraces emergency first lieutenants promoted to captains without regard to their length of service.

Emergency captains not promoted and having two years' actual service should be allowed to add this to their constructive service to make the 17 years necessary to advance to the fourth pay period. This is what the law now accidentally omits, but this bill supplies. Now the pre-war Regular captain serves 10 years at the most in this third period; then advances to the fourth period whether promoted or not; but the emergency captain, not promoted, must have 17 years' actual service before he can advance to the fourth period. This inequality, discrimination, and injustice this bill also rectifies and removes by adding to those in the fourth pay period the emergency captains not promoted who have completed 10 years' actual service.

The second pay period embraces pre-war first lieutenants with over 3 and less than 10 years' service and those former emergency officers appointed first lieutenants without regard to their length of service, so these latter are given the needed 3 years as constructive service. Another inequality is corrected in this bill by also adding to those the fourth pay period those appointed to the Army on July 1, 1920, as first lieutenants who have been promoted to captains and who have had 14 years' actual service.

Former emergency officers appointed colonels are not included in this bill because they are already in the sixth or highest pay period, and this bill in no way affects them; they can not be included.

Former emergency officers appointed second lieutenants were not given any constructive service by the pay, as they needed none, so they can not be and are not included in this bill. Besides, they have all been promoted to first lieutenants or captains and are all now in the third, or captains' pay period.

Moreover, the second lieutenants are much younger and will be able to acquire sufficient actual service, before retirement, to advance to higher pay periods; they had no just claim for any constructive service and were not given any in the pay act.

Under the requirements, a former emergency officer must be past 36 years of age to be appointed a major, but about 1,200 pre-war Regulars under 36 were made majors, many at the immature ages of 26, 27, 28, or 29.

With the pay act operating as at present, there are great discriminations against the former emergency officers in several ways. Pre-war majors are actually receiving more remuneration than even emergency colonels or lieutenant colonels. And pre-war majors, younger on the average by about 10 years than the emergency majors, doing exactly the same work, are receiving from \$140 to \$160 more each month than the emergency major. Even after this bill becomes the law, these pre-war majors will still receive about \$70 a month more than the emergency majors.

It is estimated that the greatest cost of this bill will be for the first year, approximately \$900,000, but this is not "the annual additional cost," since the increased cost will decrease rapidly each successive year as these former emergency officers die, resign, retire, or advance into higher pay periods by length of service, irrespective of this bill.

The Committee on Military Affairs of the Senate favorably unanimously reported upon bill S. 3569, when identical with H. R. 10436. (See S. Rept. No. 962, 70th Cong., 1st sess.)

When it was under discussion before the whole Senate, Senator DAVID REED, chairman of the Committee on Military Affairs, supported it strongly, stating that the pay bill of 1922 gave a constructive credit of 14 years to certain officers—the former emergency officers appointed majors—at the beginning of their service, but by a holding—or omission—

denies them this same constructive credit from then on—

When not promoted. He further said:

This is the result of a technicality that did not occur to anyone in Congress or in the department. This bill will go very far toward relieving the discontent among the emergency officers who were taken in in 1920. It merely carries on the constructive credit for service that they were given at the beginning of their term. I believe it is fair and I hope it will be passed. (See CONGRESSIONAL RECORD, May 8, 1928, p. 8464.)

And the Senate, on May 23, 1928, unanimously passed the bill. On the floor at the very last minute an amendment was presented adding almost 2,000 more captains to the bill who have no right or reason to be in the bill. The amendment is worded—

or whose present rank as captain dates from July 1, 1920, or earlier.

This was never considered by the Senate Military Committee, no testimony was ever taken to support it, nor did the Senate have the opportunity to fully consider it. This amendment brings about 2,000 additional captains within the benefits of the bill, with a consequent increase in its cost of over 250 per cent. These captains are by no means entitled to such treatment under the principles of the pay act.

Congress did not intend to advance them to the fourth or higher pay period except by actual years of service. The majority of these 2,000 officers were appointed to the Army in the grade of provisional second lieutenant and have already realized unexpected and abnormally swift promotion. All are favorably placed on the promotion list to the detriment of most former emergency officers. The pay act contemplates that an officer entering the service as a second lieutenant shall serve a minimum of 3 years in that grade, 7 years as a first lieutenant, and 7 years as a captain, a total of 17 years, before advancing to the fourth pay period—unless promoted to a field grade, in which case he reaches the fourth pay period after 14 years of service. Congress gave these additional 2,000 captains no constructive service for advancement to the fourth pay period and never so intended. The present amendment would elevate them to the fourth pay period with only 10 years' actual service, instead of 14 or 17 years. The present average age of these officers is about 36 years, while the present average age of the captains affected by the original bill, without this amendment, is about 44 years, a difference in age, experience, and maturity, which of course explains the original appointment of the latter group as captains and the purpose of Congress in allowing them 7 years of constructive service for pay-period purposes.

The balance of the group benefited by the amendment is composed of former emergency officers originally appointed in the grades of second or first lieutenant and who have already profited by immediate promotion and advancement of one or two pay periods. Their average age is also about 36 years. To give them the same constructive service as is given those originally appointed captains is illogical, unnecessary, was never intended by Congress, and was not done in the pay act of 1922, which this bill does not change in principle. Such a grant would ele-

vate officers appointed second lieutenants to the fourth pay period seven years before that period would be reached by many officers simultaneously appointed as first lieutenants. This amendment should be stricken out, the substitute amendment adopted, and the bill passed. This substitute amendment at the end of the first section on page 3, after the word "service," changes the period to a semicolon and adds the words—

and also to captains of the Army who were appointed to the Regular Army under the provisions of the first sentence of said section 24 in the grade of first lieutenant and who have completed 14 years' service.

TRANSMISSION IN THE MAILS OF POISONOUS DRUGS AND MEDICINES

Mr. KENDALL. Mr. Speaker, I call up the bill (S. 3127) to amend section 217, as amended, of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909.

The Clerk read the Senate bill.

Mr. GARNER of Texas. Mr. Speaker, is this a privileged bill?

The SPEAKER. The Chair so understands. There is an identical bill, as the Chair understands, on the House Calendar. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CONVICT-MADE GOODS

Mr. KOPP. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7729) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The Clerk read the title of the bill.

Mr. MAPES. Mr. Speaker, reserving the right to object, and I do not intend to object, I should like to call the attention of the chairman and the other members of the conference committee on the part of the House to the third amendment of the Senate to the House bill:

On page 2, line 5, after the word "otherwise," the Senate adopted this amendment: "Provided, That this act shall not apply to the preparation or processing of farm products so as to make same suitable for use by the manufacturer in the making of any manufactured article."

Mr. Speaker, the penal institutions of some of the States, including the State of Michigan, manufacture canned goods. I am not sure, with this amendment as it reads now, whether canned goods would be excepted from the provisions of the bill or not, but it seems to me there would be no uncertainty about it if the first part of the Senate amendment should be adopted and the other part eliminated. For example, if the House conferees and the Senate conferees would agree to leave in this language—

Provided, That this act shall not apply to the preparation or processing of farm products—

and eliminate the rest of the Senate amendment, it seems to me there would be no question but what canned goods would not come under the provision of the bill; but, with the qualifying clause in the bill—

so as to make same suitable for use by the manufacturer in the making of any manufactured article—

I am not sure whether they are included or not. I would like to recommend to the conferees that they give this particular amendment very serious consideration, and if it can be arranged so as to except from the provisions of the law canned goods, it seems to me it would be a very desirable thing to do.

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I understand there are two or three other amendments, one of them extending the time of its going into operation to five years. It seems to me this amendment ought to prevail.

The second amendment provides—

except commodities manufactured in Federal penal and correctional institutions for use by the Federal Government.

I should be very glad if the gentleman would let us have now his interpretation of the meaning of that particular amendment, which is amendment No. 2.

Mr. KOPP. My understanding of the purpose of that amendment of the Senate is this: By our present law and practice the Federal Government does not sell goods upon the market that it manufactures in the Federal penitentiaries, but it manufactures goods for Federal purposes. The intention of this amendment, as I understand, is to save that right to the Federal Government

so that it will not be interfered with by this bill when it undertakes to manufacture goods at Leavenworth or Atlanta or at its institutions in the other States. I understand that is the purpose.

Mr. SCHAFER. Mr. Speaker, reserving the right to object, I have tried to get a copy of the bill, but find none available at this time. Is this the bill which gives the States authority to regulate prison-made goods moving in interstate commerce?

Mr. GARRETT of Tennessee. Yes; I believe it has been so called.

Mr. SCHAFER. The Cooper-Hawes bill?

Mr. GARRETT of Tennessee. I think it has been so known.

Mr. COOPER of Ohio. Mr. Speaker, will the gentleman yield?

Mr. SCHAFER. Yes.

Mr. COOPER of Ohio. This is the Cooper-Hawes bill with Senate amendments. The Attorney General requested that the amendment that the gentleman from Tennessee spoke about a moment ago he adopted. Personally I can not see any necessity for it at all, because the Federal Government at this time does not permit any convict-made goods to go on the market in competition with free labor and private industry.

Mr. GARRETT of Tennessee. However, there is no law preventing it, is there?

Mr. COOPER of Ohio. I do not know about that. I believe there is. I will ask the gentleman from Iowa if there is such a law at the present time.

Mr. KOPP. I so understand.

Mr. COOPER of Ohio. The Attorney General seemed to think it ought to go in the bill.

In regard to the other amendment, which the gentleman from Michigan spoke about, I believe that ought to be carefully considered by the conferees, for I am of the opinion that it might open the door for all agricultural products to be exempt from the provisions of this law if the amendment remains in the bill as it came from the Senate. I hope the conferees will follow the advice of the gentleman from Michigan [Mr. MAPES] and try to have that remedied before it comes back to the House.

As to the amendment extending the time from three to five years, I have no serious objection to that, and I do not believe any other member of the Labor Committee has any serious objection to it.

Mr. SCHAFER. Mr. Speaker, under the reservation I would like to state that I hope the House conferees will oppose the Senate amendment which makes certain exceptions.

If the bill is right in principle, it should be enacted into law in the form it passed the House by an overwhelming majority vote. There should be no exemptions, as provided for in the Senate amendments. Those who produce agricultural products are entitled to protection from unfair competition of the product of convict labor.

Mr. GARRETT of Tennessee. Mr. Speaker, still further reserving the right to object, if I may, in order to make this statement—one aspect of this subject which I fear most Members have overlooked, and which I can not but believe my friend who has just addressed the House has overlooked, is the humanitarian aspect of it as applied to the prisoners themselves. The fact is that this bill, if it shall stand the test of the courts, is going to work a very great hardship at least for a time. The question of what shall be done with the prisoners is going to be a tremendously pressing problem. They can not be, or should not be, kept in idleness; that is not in the interest of the prisoner and it is not in the interest of society.

I can not resist the feeling that certain influences all along have overemphasized the amount of competition which has been given to legitimate labor and legitimate industry by prison labor. I am not at all sure that we are doing the right thing in passing the bill at all, and if it is passed I certainly think this amendment extending the time for five years should be approved, because they will need that time to study the problem in order to know what to do in a humanitarian way for these prisoners.

Mr. COOPER of Ohio. Mr. Speaker, I fully agree with the gentleman from Tennessee that the prisoners should have some labor to perform; this bill is not going to stop the prisoners from working. It merely gives the States the right to regulate the sale of convict-made goods. We have a law in the State of Ohio regulating the sale of convict-made goods within our borders, and last year \$3,000,000 worth of convict-made goods from other States were sold in Ohio in competition with free labor and legitimate business, over which our State had no control whatever. This bill provides that when a State has a law regulating the sale of convict-made goods, made in said State, it shall also have the power to regulate the sale of prison-made goods imported from other States.

Mr. SCHAFER. Will the gentleman yield?

Mr. COOPER of Ohio. Yes.

Mr. SCHAFER. Is there any good reason why there should be any exception as embodied in the Senate amendment?

Mr. COOPER of Ohio. As far as the amendment granting extension of time for two years more, we can offer no serious objection to that, for it is giving them a little time to reestablish the whole prison system of employing prisoners, and by giving them five years instead of three, which the bill provided when passed by the House, they will have sufficient time to readjust the system.

Mr. SCHAFER. How about the other amendment, excepting certain products?

Mr. COOPER of Ohio. I have expressed myself on that. I am not in favor of that Senate amendment as it now stands.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed the conferees on the part of the House, as follows: Mr. KOPP, Mr. ZIHLMAN, and Mr. CONNERY.

MICHIGAN HABITUAL CRIMINAL LAW

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to address the House for seven minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for seven minutes. Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, sometimes the titles assumed by individuals have such high-sounding names that their utterances may receive more attention than would otherwise be justified. I have here a clipping from the New York World of January 3, 1929, which quotes one Dr. Clarence True Wilson, who calls himself the "executive secretary of the board of temperance, prohibition, and public morals of the Methodist Church."

This statement is so un-Christianlike, so extreme, so wild, so intemperate that it is well and necessary to distinguish it and make clear that it can not possibly represent in any way the views of the thinking men and women of the great Methodist Church.

This man Wilson, referring to the case of Mrs. Etta Mae Miller, mother of 10 children, who was sentenced to life imprisonment for selling a pint of liquor in violation of the State prohibition law, approves of the life sentence and apparently regrets the punishment could not be more severe. This man Wilson is quoted as saying:

Our only regret is that the woman was not sentenced to life imprisonment before her 10 children were born.

In other words, Doctor Wilson, under the guise of speaking for the church, approved of the life sentence, and if he were to carry out to a logical conclusion his approval and his recommendation we would have to amend our laws so that before a woman is married a board of temperance and morals would first have to pass upon her qualifications to bear children, particularly as to her future or potential proclivities for selling liquor any time during her natural life. Or perhaps the "doctor" would have Congress prohibit by law any person not approved by him, or convicted of violating the liquor law, from bearing children. He gloats and rejoices at the cruel life sentence imposed on this unfortunate woman.

Mr. COOPER of Ohio. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. In just a moment. A more extreme statement has never been expressed by anyone outside of an insane asylum, and I state frankly that if Doctor Wilson were a resident of New York City, or if he were a resident of Washington, D. C., I would ask for a commission to test his sanity. His inhuman and unnatural views as expressed by him are not human and are not normal. I yield now to the gentleman from Ohio.

Mr. COOPER of Ohio. Why does the gentleman say that Doctor Wilson is speaking for the Methodist churches of this country?

Mr. LAGUARDIA. I say that he is not. And that is exactly the fact that I am trying to bring out. I say that he is not speaking for the Methodist churches of this country. It is exactly my purpose in taking the floor, because some good people might read this statement and be misled.

The gentleman has now my purpose in calling attention to this statement. This is the kind of thought that is back of the extreme prohibition idea. This is the kind of a man who assumes leadership in prohibition enforcement. Think of demanding a prohibition test before marriage, and then life imprisonment if there is any belief of future violations before the bearing of children. I should like to hear from anyone on the floor of this House who will stand up and approve of Doctor Wilson's statement. It is too bad that this board

of public morals, prohibition, and temperance can not get an amendment to the law which would let them pass upon the qualifications of people who want to marry with power to impose a life sentence if they are not of their own particular standard of prohibitionist. Let me point out to Doctor Wilson that we have never heard him attacking some of the largest contributors to the prohibition chest who are making huge profits out of prohibition. If this is the best example of the leadership of thought in prohibition, then make the best of it.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. SCHAFER. The gentleman from New York is an authority on prohibition matters. Has the gentleman any information indicating whether or not the Anti-Saloon League returned the \$500,000 donation to that organization by the notorious Kresge, of Detroit?

Mr. LA GUARDIA. Oh, I think possibly the Anti-Saloon League, feeling that Mr. Kresge needed more money for his orgies in New York and elsewhere in violating the law, might have returned a part of it to him. I do not know.

DEFICIENCY APPROPRIATIONS

Mr. ANTHONY, from the Committee on Appropriations, reported the bill (H. R. 15848) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplementary appropriations for the fiscal year ending June 30, 1929, and for other purposes, which was read a first and second time, and with the accompanying papers, referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. BYRNS. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from Tennessee reserves all points of order.

Mr. GARNER of Texas. Mr. Speaker, permit me to ask the gentleman from Kansas [Mr. ANTHONY] when it is expected to take up this bill?

Mr. ANTHONY. To-morrow.

Mr. GARNER of Texas. The gentleman does not hope to pass the bill to-morrow?

Mr. ANTHONY. I would like, if possible to do so. Of course, it would depend entirely upon the demands for general debate.

Mr. GARNER of Texas. The reason that I am asking the gentleman is because I would like to have some understanding of when we shall vote on the bill or when we shall take it up under the 5-minute rule. I know that there will be some considerable debate asked for on this side of the House.

Mr. ANTHONY. We will be disposed to grant all reasonable requests for debate.

Mr. BYRNS. I understood from the gentleman from Kansas that there would be no disposition to consider this bill under the 5-minute rule before Monday.

Mr. ANTHONY. I stated if there was no considerable demand for debate I would hope to pass it to-morrow, but it is agreeable to me to utilize to-morrow for general debate.

Mr. BYRNS. On this side of the House there will be requests for at least two hours, and possibly more, for general debate. To-morrow is Saturday. Why could not the gentleman agree to take this up under the 5-minute rule on Monday?

Mr. TILSON. Monday is Consent Calendar day.

Mr. BYRNS. Then Tuesday.

Mr. ANTHONY. It ought not to take long on Monday after general debate to pass the bill under the 5-minute rule. We ought to dispose of it in an hour.

Mr. GARRETT of Tennessee. Is it the purpose to set aside this War Department bill?

Mr. ANTHONY. That is the understanding.

Mr. TILSON. That was agreed when the War Department bill was called up for consideration.

Mr. GARNER of Texas. Let us agree to take this up under the 5-minute rule on Tuesday, then.

MICHIGAN HABITUAL CRIMINAL LAW

Mr. KETCHAM. Mr. Speaker, in view of the statement of the gentleman from New York [Mr. LA GUARDIA] I ask unanimous consent to proceed for three minutes.

The SPEAKER. The gentleman from Michigan asks unanimous consent to proceed for three minutes. Is there objection? There was no objection.

Mr. KETCHAM. Mr. Speaker, in view of the great solicitude expressed on the floor of the House by distinguished Representatives from New York, Wisconsin, and other States, I thought it might be of interest to the House to take about two minutes this morning to read into the proceedings of the House an editorial from the Detroit Free Press of January 2, 1929, which I trust will be given due attention by these gentlemen:

MICHIGAN'S OWN BUSINESS

Prosecuting Attorney Barnard Pierce, of Ingham County, made a statement that needed utterance when he said to the jurymen in the Etta Mae Miller "fourth-offense" case: "This is no business of anyone outside of Michigan. Your decision is no business of Illinois, New York, or any other State, or of the Federal Government."

For propagandist reasons which have nothing whatever to do with an enthusiasm for impartial and effective administration of law, certain persons and publications in more or less adjacent parts of the country have been gobsquadding with great assiduity over the Miller case, and in effect have been attacking the whole of Michigan's penal code because in one particular it displeases them. These weepers and wallers are not at all interested in our State's fight against banditry and general crime. Generally speaking, they are interested only in booze and they resent the punishment of anybody caught peddling it.

[Applause.]

That statement may seem rather sweeping, nevertheless we think it is substantially true.

The Free Press is not among those who consider the Michigan penal code perfect as it stands. Those who drew it up had no idea that it would prove to be without flaws or opportunities for improvement. But it is better than anything of the sort the State ever had before, and it is far better than anything most other parts of the country possess, and it can be amended by the legislature as the experience of two years may show it ought to be amended, without the assistance of self-appointed advisers in New York or Illinois or anywhere else.

[Applause.]

The editorial speaks for itself. It only needs to be said that the Detroit Free Press is one of the leading papers of the State and the country, and certainly has not heretofore been accused of being fanatically dry in either news or editorials.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. CELLER. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended, so that I can ask him a question.

Mr. TILSON. Mr. Speaker, there must be an end to this. I object.

CONSTRUCTION AT MILITARY ACADEMY, WEST POINT

Mr. MORIN. Mr. Speaker, by direction of the Committee on Military Affairs, I ask unanimous consent to take from the Speaker's table the bill H. R. 11469, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill H. R. 11469, with Senate amendments, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 11469) to authorize appropriations for construction at the United States Military Academy, West Point, N. Y.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I would like to have a little information about these amendments. Is there ever going to come an end to the addition of appropriations for the development of West Point Military Academy? As I remember, the House passed this bill just in the form the War Department said they wanted it. The Senate has added several hundred thousand dollars to it. Is there any basis for these proposed additions? And what is likely to be the attitude of the House conferees toward them?

Mr. MORIN. I will say to the gentleman from Michigan that the bill originally passed by the House was a bill sent up by the War Department and introduced by myself. It was to conform to the continuous building program at West Point. In that program there was an item for the building of two apartment houses. After the proposed bill was introduced the Secretary of War decided that but one apartment house should be built and the balance of the officers provided for in separate quarters. He sent a letter to the committee recommending that we increase the item for officers' quarters in order to build the separate houses. He also recommended the elimination of two items not considered of immediate necessity.

Mr. CRAMTON. That is, postpone several items; not anything cut out, but to postpone several items?

Mr. MORIN. The House in passing upon the bill did not act on the Secretary of War's later recommendation. The bill as it passed the Senate is just as the Secretary of War recommended in his second letter to our committee.

Mr. CRAMTON. What was the attitude of the Budget on the recommendation of the department?

Mr. MORIN. They approved it.

Mr. CRAMTON. What is the attitude of the conferees? Is it entirely in harmony with this proposed increase?

Mr. MORIN. Well, Mr. JAMES and Mr. McSWAIN and myself will be the conferees. I approve of it because it conforms to the recommendation of the Secretary of War, to which I have just called attention.

Mr. CRAMTON. I am not going to object, as I do not know enough about it to justify me in taking such action. But I believe there should be an end to the building program at West Point.

Mr. MORIN. Of course, there should be, but that program will take some years to complete.

Mr. CRAMTON. If the Committee on Military Affairs of the House intend to continue their present policy of taking over the functions of the Committee on Appropriations and prescribing just what buildings shall be constructed and how much they shall cost, even in the case of an icehouse, then I think they should come to the House with positive declarations and recommendations, and stick to them, instead of going to the other end of the Capitol.

Mr. MORIN. The committee is conforming to the program of the Budget Bureau. Formerly we did not do that. I have tried several times to have a complete program authorized, but it has been rejected. Therefore we are compelled to come in each year and ask for authorizations of just the amount needed to carry on the building program during the ensuing year.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. MORIN, Mr. JAMES, and Mr. McSWAIN.

REAPPORTIONMENT BILL—MINORITY REPORT

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that we may have five legislative days in which to file a minority report on the reapportionment bill.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that five legislative days be allowed in which to file a minority report on the reapportionment bill. Is there objection?

Mr. TILSON. Reserving the right to object, Mr. Speaker, I wish to say that I have planned, in making up the program for next week, to consider this bill on Thursday of next week. Will the request of the gentleman from Mississippi interfere in any way with this program?

Mr. RANKIN. I will make it three legislative days.

The SPEAKER. The gentleman from Mississippi modifies his request and asks unanimous consent that three legislative days be allowed in which to file a minority report. Is there objection?

Mr. RAMSEYER. Mr. Speaker, reserving the right to object, I would like to know what deep-seated governmental policy is at stake which requires that this bill, after it was up for consideration in the House just a few months ago, should be called up hastily at this time?

Mr. TILSON. I do not think it is being very hastily called up. We are giving a week's notice now and it has been talked about ever since we reassembled on the first Monday in December, so that it does not seem to be hastily called up at all.

Mr. RAMSEYER. The gentleman misses the main part of my question, to which I would like to have an answer. However, I will ask an easy question: Is it contemplated by the leader that in case this bill is defeated in January to call it up again in February?

Mr. TILSON. No; I should not expect to call it up again as early as February, if it failed in January.

Mr. RAMSEYER. Would the gentleman from Connecticut favor a rule making this committee a privileged committee, so it can report and call up a bill whenever it desires?

Mr. TILSON. I should not favor such a rule, but I think the House ought to be in a position to execute its will at any time, as it can do in this case.

Mr. LAGUARDIA. We are only nine years behind now.

Mr. RAMSEYER. The Senate is the cause of that, and not the House.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. CELLER. Mr. Speaker, reserving the right to object, may I ask the gentleman from Connecticut when we will take up the judges bill? I understood it was to be taken up next Thursday.

Mr. TILSON. The judges bill will probably be taken up early the following week.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

WAR DEPARTMENT APPROPRIATION BILL

Mr. BARBOUR. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15712) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15712, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15712, which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. BARBOUR. Mr. Chairman, I yield myself one hour.

The CHAIRMAN. The gentleman from California is recognized for one hour.

Mr. BARBOUR. Mr. Chairman, the Committee on Appropriations submits for the consideration of the House to-day the bill making appropriations for the military and nonmilitary activities of the War Department for the fiscal year 1930. The subcommittee which had charge of the preparation of this bill met on the 15th day of November and began its hearings on that day. It has been at work on the bill practically ever since that time up until the present. The subcommittee went into all matters which are covered by the bill very carefully and we feel that the hearings on this bill are quite complete and that anyone interested in any particular item can secure almost any information he may desire with respect thereto from the hearings.

I want to say that this bill does not represent the thought or judgment of any particular member but rather is it the final thought and judgment of all of the members of the subcommittee, approved by all of the members of the whole Committee on Appropriations. If you examine the bill, you will find that there are several improvements over former bills in the mechanics of the measure which is proposed here to-day, vastly improving the form of former War Department appropriation bills. The credit for that work is due almost entirely to Mr. Pugh, who has very efficiently served this subcommittee as clerk during the preparation of this bill. [Applause.]

The appropriation bill for 1930, which is now before you, carries direct appropriations for military activities amounting to \$328,038,815. It also includes contract authorizations amounting to \$3,000,000, and purchase-of-discharge funds amounting to \$300,000, in all \$331,338,815. The 1929 War Department appropriation bill carried direct appropriations of \$309,601,568.50, reappropriations of \$1,844,419, and contract authorizations amounting to \$7,115,000. The total of the 1929 bill, including reappropriations and contract authorizations was \$318,560,987.50 for military activities. For nonmilitary activities the 1929 bill carried \$88,915,653, and the 1930 bill carries \$107,089,600. The total of the two bills, including reappropriations, contract authorizations, and purchase-of-discharge funds, is as follows: For 1929, \$407,476,640.50, and for 1930, \$438,428,415.

In making comparisons, however, between the appropriations for the two years it may not be proper to include reappropriations, because they have heretofore been reported to the House in previous appropriation bills as money appropriated; neither is it proper to consider contract authorizations, because contract authorizations must be appropriated for later and will come in in the totals of later appropriation bills.

I give you these items, however, just to afford a clearer picture of what the 1930 bill does as compared with the 1929 bill.

The proper comparison of the two bills is made in the direct appropriations. The 1929 bill carried for military activities in direct appropriations \$309,601,568.50, for nonmilitary activities it carried \$88,915,653, a total of \$398,517,221.50. The 1930 bill carries for military activities \$328,038,815, for nonmilitary activities \$107,089,600, or a total of \$435,128,415. In direct appropriations the 1930 bill carries \$36,611,193.50 more than the bill for the present fiscal year.

I will state that the total of the 1930 bill is \$43,392 under the amount recommended by the Bureau of the Budget.

The principal increases in the 1930 bill under military activities are in pay of the Army, the increase amounting to \$3,215,995; post construction, the increase amounting to \$9,357,950; for the Air Corps an increase of \$8,729,141; for the United States Military Academy at West Point an increase of \$600,000; for the National Guard an increase of \$578,197; and on account of the Welch Act an increase of \$2,272,000.

In the nonmilitary activities the principal increases are \$20,000,000 on account of flood control on the Mississippi River; \$4,370,000 on account of return of contributed funds in connection with flood control on the Sacramento River; and \$1,351,000 on account of the Panama Canal.

The bill provides for an Army of an average enlisted strength of 118,750 men, the same as at present; 6,500 Philippine Scouts; and an average officer strength of 12,000.

For the present fiscal year we appropriated for about 11,800 officers and for 1930 we are providing for 200 more officers on account of increase of officer personnel in the Air Corps.

Under the Quartermaster Corps it is proposed in this bill to purchase 259 motor vehicles; 24 trucks at a maximum cost of \$6,000 each, 100 trucks at a maximum cost of \$3,000 each, 15 ambulances at a maximum of \$3,000 each, 10 passenger cars at a maximum of \$2,500 each, 50 passenger cars at a maximum of \$1,500 each, and 60 solo motor cycles at a maximum of \$325 each.

The bill carries language which will permit the purchase of a larger number of these motor vehicles with the same funds if it is found possible to do so. Sometimes in buying motor vehicles in large quantities they can be purchased at reduced rates, so the Quartermaster Corps is not confined to the exact number stated in the bill and if they are able with these funds to purchase more the language will permit them to do so.

It might interest the members of the committee to know that on November 1, 1928, the Army had on hand a total of 17,581 motor vehicles. Of this number 7,667 were operating, 9,914 were not operating, but of this latter number 6,363 were serviceable or economically repairable, and 3,551 were unserviceable and not economically repairable.

The question of horses and mules is one to which the subcommittee having charge of the bill has given very careful consideration.

Under the provisions of this bill the Army will purchase 1,500 horses at an average estimated price of \$165 per head, and 1,000 mules at the same average price. In 1929 there were purchased 2,300 horses and 1,700 mules.

The total requirements of the Army in horses and mules under the reduced allowance based on a strength of 118,750 men is 24,296 horses and 14,913 mules, or a total of 39,209 animals. On July 1, 1928, we had on hand 22,886 horses, 13,583 mules, or a total of 36,469. This was a shortage of about 2,400 horses and 1,300 mules below the reduced requirements for the present strength of the Army; but in investigating this question the committee went into the matter of privately owned mounts of officers.

We found that 1,856 officers of the Army own a total of 2,548 horses which they have purchased with their own funds. The law provides that an officer below the grade of major owning one horse shall receive from the Government \$150 per annum on account of that horse. If he owns two horses, he receives \$200 per annum. The horse is also foraged and stabled. Above the grade of captain, officers may own two horses up to the rank of general, and then they may own three horses, for which no allowance is paid by the Government, but those horses are foraged and stabled by the Government.

The committee, as I said a moment ago, considered this question carefully and it came to the conclusion that if the Government is paying \$150 a year for one horse privately owned by an officer and \$200 a year for two horses privately owned by an officer, then those horses should be counted in estimating the total number of horses on hand. They are provided in this way in lieu of a Government horse. An officer is given his choice of riding a Government-owned horse or owning his own horse, and if he owns his own horse he is paid this allowance. If he is paid this allowance, in the opinion of the committee that horse should be counted in determining the total number of horses on hand.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BARBOUR. I yield to the gentleman from New York.

Mr. LAGUARDIA. Is this allowance for horses applicable to officers who are not mounted?

Mr. BARBOUR. Only to officers required to be mounted. A provision was inserted in the bill limiting the allowance to one horse, and the limit of the number of horses stabled and foraged to one horse. That will reduce the expense of the Government for privately owned mounts by the amount allowed for the second horse and the amount paid out on account of forage and stabling for the second and third horses.

Counting the horses privately owned, we find there is a very small shortage in the actual requirements of the Army at this time; possibly a few hundred at the outside.

The status as to horses on June, 1930, is that we will be 354 short on the basis of the revised peace allowance and the purchase of 1,500 horses during the next fiscal year, taking into

account also 1,856 privately owned mounts. As to mules, we will be 1,967 short. So you will see as to horses that the mounts privately owned practically balance the requirements.

Mr. WURZBACH. Will the gentleman yield?

Mr. BARBOUR. Certainly.

Mr. WURZBACH. Under the \$150 annual allowance to an officer, what does that represent—the purchase price?

Mr. BARBOUR. It is supposed to be in lieu of the purchase price. Some of the officers purchase very fine horses, and the cost of those horses amount to a considerable sum of money. An officer who wants to own his horse generally prefers to have a better horse than the Government furnishes.

Mr. WURZBACH. He wants a more expensive horse than the Government furnishes? And it is more expensive to the Government.

Mr. BARBOUR. It is more expensive. If the Government pays \$150 per year for a privately owned horse, almost the cost of a Government horse would be paid to the officer in one year.

Mr. BRIGGS. Will the gentleman yield?

Mr. BARBOUR. Certainly.

Mr. BRIGGS. To what extent have the horses and mules been displaced by motors?

Mr. BARBOUR. That is receiving considerable attention from the War Department. We find some very prominent officers in the Army who are strongly in favor of horses, saying that we will require practically the same number all of the time. We find some who say that motors will replace the horses to a considerable extent. At the present time the division artillery is horse drawn, while the heavier artillery is motor drawn. As I say, that matter is receiving the attention and study of the War Department, and it may well be considered in view of the rapid growth of the use of motor vehicles in the commercial world.

Mr. BRIGGS. I saw somewhere that during a bomb and mimic warfare quite a number of horses suffered by explosions, and so forth. I wondered to what extent efforts were being made to utilize motor transportation.

Mr. BARBOUR. That is something that is receiving very serious consideration.

Now, for the housing program for post construction the bill carries \$14,441,950 and \$3,000,000 contract authorization.

Of this appropriation, \$4,800,000 will be used to satisfy contract authorizations carried in prior appropriations acts. The 1929 bill carried \$5,084,000 in direct appropriations and a contract authorization of \$2,115,000, and the 1928 deficiency act carried \$7,485,975. The total amount appropriated for post construction, including the amount carried in this bill, is \$36,854,925, with a contract authorization of \$3,000,000. That brings the total up to \$39,854,925—almost \$40,000,000 provided for post construction.

This will provide all post construction authorized up to the present time, except \$250,000 for Scott Field, in Illinois, which was stricken out of the bill in the Senate last year because of opposition there and has not been restored to the bill.

With the funds carried in the bill the housing will provide for 23,798 enlisted men, 797 noncommissioned officers, and 727 officers, 1,408 hospital beds, and provides housing for 192 nurses.

This will leave unprovided for, according to the War Department estimates, 14,602 enlisted men, 2,463 noncommissioned officers, and 3,286 officers. General Summerall, Chief of Staff, when he was before the committee, stated that progress in the housing program is satisfactory. "We are building as rapidly and as economically as possible." A table contained in the hearings gives full and complete information up to the present time of the status of every project in the housing program.

For barracks and quarters the amount carried in this bill is \$11,650,784, which is \$1,018,160 less than was carried in the 1929 bill. A decrease in this item was possible because the liberal appropriations for barracks and quarters, which is a repair and maintenance item, has enabled them to put the buildings in very good shape. Then there is the new construction coming in, which will make the repair and maintenance items less. General Cheatham assured the subcommittee that he would get by in good shape with this amount for barracks and quarters.

For seacoast defenses we are carrying along the work of installing fire-control and building emplacements for large and heavy caliber guns, acquiring lands for 16-inch gun batteries in Oahu, and for the mounting of 240-millimeter howitzers in that island. Generally speaking, the work of the seacoast defenses is being carried along and progress is being made.

Mr. SWING. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. SWING. What progress is being made in the matter of heavy railroad guns, portable guns, that can be taken from one place to another? For instance, at San Diego there is nothing

in the way of guns that would serve as defense, but we have been told in the past that they were developing a gun that could be transferred back and forth as needed. Will the gentleman tell us what progress they have made in that?

Mr. BARBOUR. The Ordnance Corps is experimenting all of the time and endeavoring to improve the seacoast and field artillery, and it is making real progress along those lines. We have a certain number of mounted railway guns. There are some at Panama, there are two at Los Angeles, and there are some stationed at other places; and these, according to the reports made to our committee by the Ordnance Department, are very effective guns. As to the number on hand, I am not prepared to state to the gentleman from California, because I do not have that information at hand.

Mr. SWING. But they have been found to be practicable?

Mr. BARBOUR. They are said to be very efficient.

Mr. SWING. And their number will increase in the future?

Mr. BARBOUR. Yes; I so understand.

Mr. WAINWRIGHT. As a matter of fact, is there not a unit known as the regiment of railway artillery which handles that caliber and character of ordnance?

Mr. BARBOUR. The manufacture is under the general supervision of the Ordnance Department. Just what the subsidiary organization is that handles it I could not say. The operation of such guns in seacoast defense is in the hands of the Coast Artillery.

Mr. WAINWRIGHT. There is a definite organization known as the regiment of railway artillery?

Mr. TABER. I understand that we have something like 188 of these railway mounted guns, many of which are at Aberdeen.

Mr. SWING. And those at Aberdeen have not yet been mounted?

Mr. TABER. There may be some there that are not mounted. I am referring to mounted guns.

Mr. HOUSTON of Hawaii. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. HOUSTON of Hawaii. I notice under seacoast defenses that there is a total sum in excess of \$3,000,000 provided, and that in the tabulation there is given something in excess of \$946,000 for insular departments. Is the gentleman in a position to advise as to what part of that sum is for the Territory of Hawaii's defenses and Oahu defenses?

Mr. BARBOUR. These seacoast defense items are divided into several different activities. There is the Signal Corps, the Engineer Corps, Ordnance, and the Coast Artillery. There are four different departments of the Army that have something to do with these seacoast defense appropriations. These appropriations carry money for searchlights in Hawaii, for emplacements for 16-inch guns in Hawaii—that is, two additional 16-inch guns which will make the total number four, and for acquiring land, 11.09 acres for howitzers, and for emplacements for twelve 240-millimeter howitzers, which will complete the emplacement project for the howitzers. There is also equipment for one antiaircraft battery, the continuation of the fire-control installation for the 16-inch guns and the large guns that are mounted in the island of Oahu. That, in a general way, covers the activities that are provided for in this bill for the Territory of Hawaii.

Mr. HOUSTON of Hawaii. Then the figure, in other words, under insular departments is practically all for Oahu defenses?

Mr. BARBOUR. Yes; most of it. There is something for replacement of cables in Manila and Subig Bays, but outside of that it is all for Oahu.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. BRIGGS. Can the gentleman advise the committee just what progress is being made along the line of the development of antiaircraft artillery?

Mr. BARBOUR. You will find a statement in the hearings on that which will give you, I think, very satisfactory information. Real progress, the Ordnance Department reports to your committee, is being made. Great improvements have resulted from experiments that have been carried on. They are improving their antiaircraft guns and are getting very good results. Some of the recent results are stated in the hearings. Generally speaking, there has been material improvement in the antiaircraft equipment and fire.

Mr. BRIGGS. Along with the development of antiaircraft artillery, does not the gentleman think there should be some addition to the strength of the Coast Artillery, with better equipment for antiaircraft—better equipment than it now possesses?

Mr. BARBOUR. We are providing equipment for it here; fire control for antiaircraft batteries; purchasing antiaircraft

guns; purchasing the latest models of searchlights to be used in antiaircraft fire, and so on. That work is going forward.

Mr. BRIGGS. Is that a substantial increase, so that coast defenses can be manned for antiaircraft? In my own locality I do not know of any antiaircraft guns in the coast defenses there. There are three batteries there and no antiaircraft guns at all, and but a very small skeleton organization of men to man the forts. My understanding is that all the way south, nearly from Fortress Monroe on the Atlantic and along the whole Gulf shore line, there is practically little more than a handful of coast artillery for the coast defense, and the coast defense of the South and Southeastern part of this country is entitled to more consideration than it is receiving. I am not disposed, however, to hold the Coast Artillery Corps responsible for this condition.

Mr. BARBOUR. We are carrying forward this program from year to year. Of course, the complete equipment of our coast defenses all at one time would be a very large proposition. Experiments are being made and progress is being made in development. It would not be a good business proposition to build a large number of guns which in a brief space of time might be obsolete or obsolescent. We are carrying forward now work on a considerable number of antiaircraft guns of the latest type, of a mobile type, I might say, and we think it would not be good policy to build a large number of them at one time and in a short time find they were supplanted by something more recent.

Mr. BRIGGS. I understand that the antiaircraft guns should first be perfected and developed before they are purchased for distribution on a large scale. I understand that in the 105-millimeter gun changes have been made within the last year by the department, making it a more efficient weapon. I assume, however, that it will not be long before they will have fully perfected such a weapon. And then I want to know if it is the intention to give the coast defenses such equipment as may be necessary and let them have enough antiaircraft battalions to effectively man and use them so that adequate coast defense can be assured, as well as proper provision be made for the Air Service.

Mr. BARBOUR. Of course, this committee does not in any way intend to hamper the development of coast artillery and coast defenses. In fact, the committee is quite sympathetic toward that development. Just what the committee will do some time in the future we could not say at this time, but we do believe in carrying forward this program of coast defense at least in a practical and efficient way to the extent that funds available will permit.

Mr. BRIGGS. My impression is that there are only three or four antiaircraft battalions in the whole Coast Artillery Corps. Two of these are located outside in our Territorial possessions and only one or two in the United States proper. I think there should be more attention given to the creation of antiaircraft battalions to be stationed in the coast defenses along our seacoasts at home.

Mr. BARBOUR. Most of the antiaircraft batteries and equipment and personnel are overseas; that is, at Panama and the Hawaiian Islands. Those are considered to be the strategic points.

Mr. BRIGGS. I have no fault to find with that. But I am talking about the coast defenses at home which have been stripped of men. Before the war the coast defense branch of the Army had about 18,000 men. Since the war they have had only 12,000; and more than half of those have been moved to our Territorial possessions. The Chief of the Coast Artillery states in the hearings that we need 12,000 men in the United States proper.

Mr. BARBOUR. It is not necessary fully to man all our coast defenses. We have a considerable number of Coast Artillery units in the National Guard. We have also a number of Coast Artillery officers in the reserve, who are receiving training. In case of an emergency there are a number of men who are pretty well prepared to step in and man the guns that are in these defenses.

Mr. BRIGGS. My observation is that in the National Guard it is not so easy to get them into the Coast Artillery. They prefer the other branches of the service to a large extent. If we are going to have an effective coast defense, we have got to have men trained in the proper use of antiaircraft guns and in target practice. Otherwise you might have the same situation as was had at Fortress Monroe a few years ago when we lacked men of sufficient experience in antiaircraft gunnery and practice.

Mr. BARBOUR. We have highly trained men in antiaircraft artillery.

Mr. BRIGGS. But not enough of them. That is exactly what I am talking about.

Mr. BARBOUR. That is a matter for the Congress to determine. We are carrying the Army along on a basis of 118,750 men, which has been the accepted policy of Congress for a number of years past. Now, if the gentleman from Texas wants a larger Army, he is raising another question.

Mr. BRIGGS. It is more the policy that I am talking about. For instance, the Coast Artillery service seems to be stripped down to the very bone; and if they want 300 or 400 men, it seems to have difficulty in getting them; and they seem to have difficulty in keeping the depleted number they now have.

Mr. BARBOUR. You take an Artillery officer and a Cavalry officer and they will tell you the same thing. Of course, these units are not being maintained at their full war strength.

Mr. BRIGGS. I appreciate that. It is my understanding that in providing for a strength of 118,000, it is from limitation of appropriation and not of legislation; because the legislative authorization is very much higher than that. When the aircraft development under the 5-year program came along it was expected that the increase in the Air Service, both enlisted as well as officer personnel, would be in addition to the then existing Army strength, but apparently an effort has constantly been and is being made by the Budget or somebody else in executive authority to compel contribution of men from the various other branches of the service; so that, as I say, the Coast Artillery service is being stripped of its strength right along. It was the understanding that the increases in the Air Service, under the 5-year program, both in enlisted and officer strength, would be in addition to and not at the expense of other arms of the service. That was the idea I had from the debates when the matter came before the House on several occasions; and I think I interrogated the gentleman from California, the chairman of this subcommittee, whether that was not his view of it, and I think he indicated it was, and that the committee had attempted to make provision for it; but my observation and my information is that there is a great deal of resistance being offered to that effort by the Budget and in other quarters, so that other services are being constantly reduced. I want the Air Service to get all the men it needs, and I think it ought to be carried forward within the full spirit of the 5-year program; but I think the spirit of that program is that such extra men as may be needed to carry out the program should be taken into that service, in addition to Regular Army strength, and let the other services get along with the existing order of things.

Mr. BARBOUR. Coming to the Air Corps, this bill carries for the Air Corps a total of \$33,359,409. The 1929 bill carried \$24,630,268, with a contract authorization of \$5,000,000, and \$1,071,479 in reappropriations. There is no contract authorization carried in this bill, as the funds herein contained are intended to provide for the full Air Corps requirements.

Mr. ABERNETHY. Will the gentleman yield?

Mr. BARBOUR. I yield to the gentleman from North Carolina.

Mr. ABERNETHY. Is extra provision made for additional men in the Air Corps?

Mr. BARBOUR. You mean the flying cadets?

Mr. ABERNETHY. Yes.

Mr. BARBOUR. We carry a provision in the bill for them; yes.

Mr. ABERNETHY. How many extra ones do you provide for?

Mr. BARBOUR. There are 296 who take a 6-month course; that is practically 300, and they take two groups of them into the course every year. There is a November course and then another one along in the spring, so that they get about 600 a year for this six months' training.

Mr. ABERNETHY. Is that an increase over what it has been heretofore?

Mr. BARBOUR. I believe it is. They are taking all they can possibly handle with the training facilities available.

Mr. ABERNETHY. I suppose every Member of Congress has the same problem, that there are many young men in the country who are anxious to get into the Air Corps.

Mr. BARBOUR. There is no difficulty at all in getting the finest type of young men in the country for flying cadets.

Mr. ABERNETHY. There is no difficulty, but what are the opportunities for young men getting into that service?

Mr. BARBOUR. They are giving everything they have in the way of opportunity. Of course, the Air Corps right now is going through a process of development. It has not all of the facilities it will have in the future, but with the facilities available they are taking in all of the flying cadets they can possibly accommodate.

The money carried in this bill will purchase in 1930, 275 planes for the Regular Army and 22 for the National Guard, making a total of 297. It will purchase 14 attack planes, 67 bombardment planes, 146 observation planes, and 70 pursuit planes, amounting in all to a total of 297. No training planes are provided for here, because at the present time we are 13 training planes over the present requirements of the 5-year program. At the present time or, rather, on October 1, 1928, the Army had on hand 1,005 airplanes serviceable and in good condition, on order 470 planes, and these funds will buy 297 more. These figures include 148 planes in the hands of the National Guard on June 30, 1929. At the end of 1930 we will be short something over 100 planes, mostly observation planes, but we have a very good supply of planes on hand, and the committee does not consider this prospective shortage as a serious matter; in fact, General Summerall, the Chief of Staff, when he was testifying before the committee, said:

I believe we have been procuring airplanes as rapidly as we can develop suitable types and have delivered the quantities of airplanes that we ought to have.

He specifically stated they were not short because of any lack of action on the part of Congress.

As to pilots in the Air Corps, on September 30, 1928, we had 732 Regular officer pilots and 41 enlisted pilots. We had 296 flying cadets in training at that time, and we had 63 reserve officer pilots on active duty with the Army Air Corps.

On June 30, 1929, the National Guard will have 152 planes. This will equip 19 squadrons with 8 planes each.

The National Guard has 218 qualified pilots. In the Organized Reserves we have 631 pilots of class 1, 1,000 pilots of class 2, and then I understand there is another large group of pilots who are not trained as highly as these other two groups.

The 631 class 1 pilots are men who are efficient enough at this time to be ordered into service and to take charge of flying planes. The 1,000 class 2 pilots can be brought into that condition of efficiency with a short refresher course. The other pilots would have to receive considerable training to put them in shape to be real effective pilots in the Air Corps.

Mr. WAINWRIGHT. Will the gentleman yield for a question?

Mr. BARBOUR. I yield to the gentleman from New York. Mr. WAINWRIGHT. Did the committee go into the question of the type and quality of plane furnished to the National Guard to determine whether they are as modern and as up to date in every way as may be desired for the purpose, or as modern and up to date as those furnished the regular Air Service?

Mr. BARBOUR. Yes. I will say to the gentleman from New York they are getting the same types of planes as the Regular Army. The National Guard is now well equipped and in 1930 will be completely equipped with modern, up-to-date planes.

Mr. WAINWRIGHT. The gentleman has very completely answered my question by stating that they are equipped with new planes.

Mr. BARBOUR. Yes.

Mr. FURLOW. Will the gentleman yield?

Mr. BARBOUR. I yield to the gentleman from Minnesota.

Mr. FURLOW. The gentleman will recall that in the 1926 Air Corps act we provided for 1,650 officers in the Air Corps at the end of a 5-year period. Can the gentleman tell the committee whether or not we are living up to that program in so far as personnel is concerned?

Mr. BARBOUR. So far as the officers are concerned, we are behind on the requirements at this time, and this is due to the difficulty that has been encountered in securing officers for the Air Corps.

As the gentleman well knows the tests that a candidate for appointment in the Air Corps must pass are very severe, and not everybody by long odds can meet these requirements, and they have experienced difficulty in getting officers from other branches of the service who could pass these tests, or even from civilian life. Their main source of supply right now is from the flying cadets. They are furnishing to-day the main supply of officers in the Army Air Corps.

Mr. FURLOW. May I say to the gentleman that my investigation convinces me that there has been no effort on the part of the War Department to give permanent commissions in the Air Corps to all the graduates from Kelly Field who would accept Regular Army commissions, men who have qualified and are qualified. The War Department has been waiting for these transfers from the other branches. As a result of this we are far behind in our program, and it is my understanding the War Department has arbitrarily advanced this 5-year program to a 6-year program, in reality, from the time it was intended to start. In so far as the statement attributed to the War De-

partment that we can not get qualified pilots at the present time I know that is erroneous. I know that Kelly Field has graduated many men who have asked for commissions in the Regular Army upon completion of training, and they have been refused. Maybe they went into the reserve, but we have lost many others by failing to take them when they were in a receptive mood. The difficulty is because the other branches have been reluctant to give up their files for the Air Corps. As a result our personnel program is behind our building program. I think we have reached a very serious point in the development of our Air Corps when we go on with the building program so far as equipment is concerned, and yet neglect a vital part of the program which is personnel.

Mr. BARBOUR. There is undoubtedly a relation between the two.

Mr. FURLOW. I understand, though, that files have been opened and examinations to fill vacancies have been called. This will help but we should be in position to fill our vacancies from recent graduating classes at Kelly Field. I hope the Congress will keep an eye on this personnel program and keep it abreast of the building program, and I hope that the Congress will make itself felt and make its voice heard so that those charged with this responsibility will know that Congress intends to have the 5-year program carried out as originally contemplated.

Mr. BARBOUR. I will state to the gentleman from Minnesota that the reason for providing money in this bill for 200 additional officers is to take up that slack in the Air Corps officer personnel.

Mr. FURLOW. And we never contemplated that our officer personnel would go beyond 12,000 officers.

Mr. JAMES. Will the gentleman yield?

Mr. FURLOW. I yield, if the gentleman from California [Mr. BARBOUR] will permit.

Mr. JAMES. It is not the fault of the War Department; it is the fault of the commander in chief.

Mr. FURLOW. In saying the War Department, I referred to whoever was in charge down there and either puts out these orders or fails to put out these orders. Something is wrong and it ought to be corrected. The 5-year program was supposed to start July 1, 1926, and be completed July 1, 1931. Now, somebody, without authority, has advanced it to July 1, 1932. We will go into that later.

Mr. BARBOUR. For Chemical Warfare Service this bill carries an appropriation of \$1,246,776. This is a decrease of \$56,504 below the amount carried in the bill for the present fiscal year.

The bill contemplates that 21,000 gas masks shall be manufactured for the Army in 1930. We manufactured 24,000 for the Army in 1929.

They are developing a new gas mask at the Edgewood Arsenal; a mask that is far superior to anything that we have heretofore had. In view of this development and in view of the fact that our Edgewood Arsenal can be placed on a rather large production basis in a short period of time, the subcommittee felt that this provision for 21,000 gas masks for the Army in 1930 would be sufficient. The new type of gas mask that our Chemical Warfare Service is manufacturing is the best gas mask in the world. Our plant at Edgewood has a potential capacity of 8,000 gas masks per day. In 60 days it can be producing 200,000 gas masks a month; and during that period of 60 days can turn out 200,000. In view of the fact that these gas masks deteriorate, particularly the rubber element, the committee felt that the 21,000 would be sufficient to put in the bill for the year 1930; although the new mask, owing to the way it is sealed and stored, is expected to last from 10 to 15 or perhaps 20 or even more years.

Coming to the National Guard, the bill carries a total of \$32,319,798 for the National Guard. This is an increase of \$578,197 over the 1929 bill.

The strength of the National Guard on June 30, 1928, was 183,019, and it is contemplated that by June 30, 1930, the strength will be 190,000. This bill provides for some additional members of the National Guard in order to round out certain existing units.

It provides for 48 armory drills; it provides for the usual 15 days' camp instruction; and it also carries funds for new uniforms for the National Guard, \$612,890 being carried in the bill for that purpose. The committee feels that the National Guard is quite well taken care of.

As to the Organized Reserves, the bill carries \$5,533,129, and there is an additional \$224,750 of funds to be received during the fiscal year 1930 from the purchase by enlisted men of the Army of their discharges. That makes a total of \$5,757,879. This is an increase over the 1929 bill. It will train the same number of 15-day trainees as were trained during the present

fiscal year—19448. It will not train as many for periods longer than 15 days, but provides for exactly the same number of trainees for 15 days as we had in 1929.

Now as to the Reserve Officers' Training Corps, there is \$2,676,817. This is a decrease as compared with 1929, but in 1930 we will have a carry-over from 1929 which will more than offset the apparent decrease.

Mr. JAMES. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. JAMES. How much does that carry over?

Mr. BARBOUR. I understand that it is about \$500,000.

Mr. JAMES. That amount they expect to expend before June 30, 1929?

Mr. BARBOUR. No; the committee is advised that they will have \$500,000 to carry over, and with that carried in the bill it will be sufficient.

Mr. JAMES. That is the amount they said they would expend between now and June 30.

Mr. BARBOUR. No; that will not be expended and will remain available for 1930 activities.

Mr. McSWAIN. Will the gentleman yield?

Mr. BARBOUR. I will yield.

Mr. McSWAIN. I want to go back to the Organized Reserves. I desire to make a statement before I ask the question. The Organized Reserves are furnishing the most economic element of national defense that our program of defense has. By the way of offsetting certain criticism I have heard made of them, I desire to say in addition and in respect to any compensation for the continuous training that they are under by way of study and answering questionnaires, taking up much of their time, that they actually expend money from their own independent resources to pay the organization chapter dues and to pay for their official organ that contains instruction as well as inspiration.

I am asking a question of the gentleman to this effect: I want to ask him as to the propriety and wisdom of having the War Department as a portion of the instruction for the Organized Reserves to take over the publication and circulation of the magazine, or inaugurate the publication of a magazine, in the interest of the Organized Reserves, so that they would not have to pay \$2 a year or more for a magazine to get information about the work of the corps. It seems to me that men who have had experience in military training constituting the reserves, not receiving any drill pay as the National Guard receives, could very well be given additional encouragement and not be put to all of the expense of the personal needs. I am asking the gentleman if any such encouragement to the Organized Reserves is in contemplation?

Mr. BARBOUR. Our committee has not considered it. Off-hand, it strikes me that the gentleman's own committee would have jurisdiction of that matter. I understand that the gentleman's committee is considering a policy with respect to the Organized Reserves and their relation to the War Department, and it would seem to me that that would be a part of that program. As far as the cost of the Organized Reserves is concerned, the figures submitted show that the average cost of the 15-day trainees was \$181.31. Of course, their pay depends on their rank or grade. The average for pay and allowance is \$135.53, their mileage average \$21.25, and the average expense of the camp per officer training is \$24.53, which makes up the total average of \$181.31 per year for each officer in the Organized Reserves who receives a 15-day training.

Mr. JAMES. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. JAMES. In getting information regarding the civilian components, like the Reserve Officers' Training Corps and the citizens' military training camps and the Organized Reserves, to about how many places did the gentleman have to go?

Mr. BARBOUR. Not many. The War Department furnished information on the Reserve Officers' Training Corps, and as far as we have been able to determine very satisfactory information, and also with regard to the citizens' military training camps; but in connection with the latter we generally hear some of the representatives of the Citizens' Military Training Camps Association. They are civilians who are interested in this citizens' military training camp work and are devoting their time, and some of them their money, without compensation or return to advancing the interest of these camps. On the Organized Reserves we have representatives of the War Department who appear before our committee, and then this committee has always extended to the officers of the Organized Reserve Officers' Association an opportunity to appear before our committee and have a rather full and complete hearing, at least to present their ideas in connection with the reserve officers' training. The committee has not sought their appearance, but

they have appeared before our committee and we have accorded them an opportunity to be heard.

Mr. JAMES. For instance, in order to get information regarding how much money is necessary for reserve flying, instead of getting it from the Air Corps, you have to get it from a branch of the General Staff?

Mr. BARBOUR. It comes up in the items for the Organized Reserves training, which are presented to the committee by the officers who are stationed in the War Department. One man who was principally active in presenting these items to the committee is a reserve officer who is on duty in the War Department, Major Ames.

Mr. JAMES. I read his testimony. About two years ago we tried to find out from Mr. Davison and General Fechet about how much money should be expended for the reserve flying. They had no idea whether it was \$100,000 or \$400,000, and our committee thought that that was very strange. When we looked into the matter we found that they had nothing to do with it; that it was a branch of the General Staff that determined that.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. WAINWRIGHT. I assume that the gentleman will be generous in yielding.

Mr. BARBOUR. Yes. We want to have full and free discussion within the limit of time.

Mr. WAINWRIGHT. The gentleman has it within his power to grant himself an unlimited amount of time for adequate discussion of this important measure. With regard to the Reserve Officers' Training Corps, we realize that the whole future and the strength and the success of the reserve-officer feature of the Army depends upon the Reserve Officers' Training Corps.

Mr. BARBOUR. And it is getting more so all of the time.

Mr. WAINWRIGHT. Absolutely. I would like to ask the gentleman if any figures were presented to the subcommittee as to how many of these Reserve Officers' Training Corps trainees had already qualified and taken their commissions as second lieutenants, and, next, how many of those young men who have had commissions awarded them have followed that up by a period of training as reserve officers?

Mr. BARBOUR. The gentleman will find rather complete information in the hearings as to the number of Reserve Officers' Training Corps graduates who have taken their commissions in the reserve. From 1920 to 1928, inclusive, the total is 28,829. I am not sure that the hearing shows the number of them that are following up their work and taking the courses of training.

Mr. WAINWRIGHT. The gentleman, of course, must see, manifestly, that the whole point of this is, How many of these young men are following it up?

Mr. BARBOUR. There is a considerable number of them, I should say a very satisfactory number, but I am unable to give any definite figures.

Mr. WAINWRIGHT. Will not the gentleman put that in his remarks? It seems to me that that information might be incorporated in his remarks, if he will be good enough to extend them to that extent.

Mr. BARBOUR. For citizens' military training camps the bill carries an appropriation of \$2,742,158, as compared with \$2,801,240 in 1929. However, that apparent decrease will be more than offset by a carry-over of \$173,000 into the 1930 fiscal year. The last bill, the bill for this year, contemplated training for 35,000 trainees at the citizens' military training camps. There were actually 34,514 who completed their 30-day course of training at these camps. This bill, however, provides for an increased number of trainees and contemplates that 37,500 young men will receive the benefit of this training at the citizens' military training camps in 1930. That will be an increase of 2,500 over the number provided for for 1929.

Mr. WAINWRIGHT. The gentleman will recall that when this subject was up before the House at the last session some of us tried to have a sum that would provide for 40,000.

Mr. BARBOUR. Yes.

Mr. WAINWRIGHT. As one of those interested in this subject, may I express my very great gratification at the fact that the committee have seen fit to raise the amount of the appropriation a sufficient sum over and above the Budget estimates to provide for the training of 2,500 more boys. It seems to me, from the standpoint of those who are interested, that the committee is to be very much commended for that course.

The gentleman from South Carolina said that the reserve officers were probably the most economical feature of the national defense. Without questioning that, may I say that the training of these boys at a cost of \$69.25 a year, as is shown, is

obviously about as economical a provision for training of man power as can be conceived? The committee itself in its report asked the question as to how this shall be developed and where it will end. May I reiterate that gentlemen who are interested in the citizens' military training camps have stated on the floor heretofore that we should proceed progressively to the 50,000 mark, which was originally fixed for it; and that the results thus far in the splendid effect of the training of those boys will amply, and more than amply, justify continuing the amount, we might say progressively up to the ultimate unit of 50,000?

Mr. BARBOUR. I will say to the gentleman from New York that there is no definite policy with respect to citizens' military training camps. The full responsibility seems to fall upon the Committee on Appropriations in determining the number. We feel on the committee that it would be very advisable to have some kind of a definite policy adopted with regard to the training of the civilian branches. Then we would know what to expect each year, and Congress would know what to expect. As it is now, when the committee begins the consideration of the War Department bill, reserve officers all over the country write letters urging that we should train so many, and others urging that we should train a different number, the writers having different ideas, some feeling that we should train a certain number and others feeling we should train another number; and it is the same way with regard to training camps. The committee does the best it can under the circumstances with the funds available.

Now, for the National Board for the Promotion of Rifle Practice this bill carries \$659,500. For 1929 there was a re-appropriation of \$500,000. You will recall that last year an amendment was put on the bill on the floor of the House providing for the national rifle matches to be held this past summer. The bill as reported to the House carried no appropriation for the national matches. Subsequent to that date Congress passed a bill making the national matches at Camp Perry, Ohio, a national event, so this money for the national matches for next year goes into the bill in its regular order.

The next proposition is the ammunition to be furnished to the civilian rifle clubs throughout the country. There are nearly 1,600 of these rifle clubs. The Federal Government has been issuing to these rifle clubs about 2,000,000 or more rounds of ammunition per year.

That is a maximum of 120 rounds of ammunition, .30 caliber, and 200 rounds of .22 caliber per man shooting. The amount that is issued to any one club, however, is limited. These rifle clubs have come to expect this free issue of ammunition by the Federal Government. Following the war, when we had large quantities of ammunition on hand and no particular use for it, there was no objection on the part of anybody to giving this ammunition to these civilian rifle clubs, but now we are reaching a point where the question of our ammunition reserves has got to be one of importance, and we are squarely confronted by the question of whether or not we are going to continue to furnish this ammunition in the same quantities to the civilian rifle clubs. If we do that, we will in all probability have to buy ammunition in order to issue it to them, whereas heretofore it has been given out of war-time stocks. That is the question which confronts us, and we will have to meet it. In this bill we provide, from purchase-of-discharge funds, a sufficient amount of money to furnish the civilian rifle clubs with the amount of ammunition they are having during the fiscal year 1929.

That, gentlemen, completes the important items of the military activities, and we now come to the nonmilitary activities.

The bill carries \$3,500 to complete the plans and supervise the construction of the monument of the Unknown Soldier. A bill was passed by Congress authorizing \$50,000 for this purpose. Two thousand five hundred dollars has already been appropriated and \$3,500 more is needed for the completion of the plans and the supervision of construction, which will leave \$44,000 of the amount authorized to complete the tomb itself. We are advised that this money will be sufficient to complete the tomb.

Mr. ABERNETHY. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. ABERNETHY. Is this the tomb here [indicating]?

Mr. BARBOUR. This is it, and I was just going to describe it to the Members of the House. This is a model of the proposed Tomb of the Unknown Soldier. The act authorizing the completion of the tomb was approved July 3, 1926. It provides that the accepted design of the tomb and inclosure shall be subject to the approval of the Arlington Cemetery Commission, the American Battle Monuments Commission, and the Fine Arts Commission.

The Secretary of War appointed a jury to advise him, consisting of some of the most eminent architects of the country, selected or suggested by the American Institute of Architects, and, in addition, Mr. Hanford MacNider, representing the American Legion, and Mrs. Rock, of Philadelphia, a gold-star mother. Seventy-three designs were submitted, and the design here exhibited was the final selection of this jury. Subsequently, in accordance with the law, the design was submitted to the three specifically named commissions and each was unanimously in favor of the advisory jury's selection. The accepted design was accompanied by a sketch looking to the opening up of the whole front so that there would be an ornamental setting for the tomb and that it would be a focal point of the grounds. This phase of the work, estimated to cost around \$350,000, has not been authorized. The winning design was submitted by Mr. Thomas Hudson Jones, sculptor, and Mr. Lorimer Rich, architect, both of New York City.

The figures in relief on the model of the accepted design represent peace, victory, and the American soldier. The inscription, to be cut at the opposite end, has not yet been determined upon.

I think, perhaps, all of the Members will be interested in this model, because it is the accepted design for the completion of the Tomb of the Unknown Soldier, and the money already appropriated will finish this work. The present tomb, I understand, comes to here on the model [indicating] and the balance is the superstructure that is to be placed on the present tomb. It is plain; it is not overornamental; and I think the beauty of it will appeal to almost anyone. Now, that part of the project has been authorized. It is planned, however, to build this approach, which will cost, as nearly as can be estimated now, in the neighborhood of \$350,000; and the Quartermaster General has stated to the committee that that must not be accepted as a final estimate because it may be more than that. However, I do not think anyone will object to that, because if it is to be done at all, the American people will want it done right and will not want the Congress, and the Congress itself will not want, to be niggardly in regard to the money that it expends on the memorial to the Unknown Soldier.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. BARBOUR. Mr. Chairman, I ask unanimous consent to proceed for 20 additional minutes.

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for 20 additional minutes. Is there objection?

There was no objection.

Mr. BARBOUR. This sketch here shows the amphitheater with the tomb in the same place it is located now, with the superstructure on it, which will give you some idea of the appearance of the plan from the proposed approach. It is proposed to break through the cement wall that exists there at the present time, and this approach is to be in the neighborhood of 500 feet long, I believe 480 feet long, and something over 200 feet wide. Here is another sketch showing another view of it, which gives you a more general view of the proposed plan. You will notice it is not overdone; in other words, it is plain, it is simple, and I think in its artistic effects it is very appealing. Here is a bird's-eye view of the whole scheme or plan as it will appear from the air when completed. This part is the amphitheater. The little black rectangular mark is the present tomb, and this will be the approach as it appears from the air.

I have brought these models and sketches here to-day in order that the Members of the House might have an understanding of just what was being done with regard to the proposed Tomb of the Unknown Soldier. It is something that the people of the entire country are interested in, and when it is done they want it done right. There has been a lot of controversy as to just what, if anything, should be done, and the members of the committee feel that this plan is one that will meet with the approval of the Congress and with the approval of the people of the country generally.

For rivers and harbors the bill this year carries \$50,000,000. This is a decrease of \$5,886,310 as compared with the amount carried in the 1929 bill. We had on hand, however, a balance on November 1, 1928, of \$44,502,297, nearly \$7,000,000 of which has not as yet been allotted. Out of this money will be allotted funds for carrying on the surveys which a good many of the gentlemen living in the Mississippi Valley are interested in.

It is proposed to allot \$1,500,000, and if more funds are needed to carry on the work more money will be allotted for this activity; in fact, General Jadwin stated that if more money was needed in 1930 the Board of Army Engineers would allot it up to the amount they could spend economically and efficiently. He stated further that the work of making these surveys was

being pushed vigorously and they were being made just as fast as could be, consistent with thorough work, economy, and efficiency.

The \$50,000,000 is all that the Board of Army Engineers asked, and they assured the committee that these funds would be sufficient to carry on the work during the fiscal year 1930.

Mr. BRIGHAM. Will the gentleman yield?

Mr. BARBOUR. I yield to the gentleman from Vermont.

Mr. BRIGHAM. Is adequate provision made to carry on surveys in sections which have suffered from floods other than the Mississippi Valley?

Mr. BARBOUR. Yes; I understand the surveys are being carried on in sections other than the Mississippi Valley.

Mr. BRIGHAM. And adequate provision is made to continue that work?

Mr. BARBOUR. General Jadwin assured us he would allot whatever was necessary to efficiently and economically carry on the work.

Mr. ABERNETHY. Will the gentleman yield for one question?

Mr. BARBOUR. Yes.

Mr. ABERNETHY. I understand you have allotted all that the Army engineers say they can profitably expend; is that true?

Mr. BARBOUR. Yes.

Mr. ABERNETHY. I have read with a great deal of interest the way the work on rivers and harbors is being carried on, and I want to say in passing that the gentleman's knowledge of this entire situation is very illuminating and very pleasing to the membership of the House. I am sure, because it shows that the gentleman has a thorough understanding of all these activities. The gentleman's remarks are very interesting, and the liberality with which he has approached this subject is very pleasing to me, at least, as one Member of the House.

Mr. BARBOUR. I thank the gentleman from North Carolina.

On the item of flood control the bill carries \$30,000,000 as compared with an appropriation of \$10,000,000 in 1929. However, previous to this time there was a deficiency appropriation of \$14,000,000 for flood control, and there has also been available for the work of flood control on the Mississippi River \$12,000,000 more of previous appropriations; but the 1930 appropriation for flood control as compared with the 1929 appropriation is a straight increase of \$20,000,000.

General Jadwin, who is the Chief of Engineers, stated to the committee that this is all that could be economically expended on flood-control work in 1930. You will understand that at the present time there is a great deal of preliminary work that must be done in regard to the spillways and floodways that it is proposed to construct. Rights of way must be secured for levees and for flowage, and all of this work the Board of Army Engineers assures us is being pushed just as vigorously as it possibly can, and the report of the Board of Army Engineers on this activity, in the opinion of the members of the subcommittee, is very satisfactory. I will say that in the hearings is a brief statement by the Chief of Engineers outlining just what the plan of the Board of Army Engineers with respect to flood control on the Mississippi River is, and what it proposes to do, and anybody who wants to get a clear-cut picture of the plan can get it by reading this comparatively brief statement which takes up but a very few printed pages in the hearings. It is there available and to my mind is very interesting.

For the National Home for Disabled Volunteer Soldiers we are providing what General Wood, president of the board, stated was sufficient funds with the understanding that the board of governors has had with the Appropriations Committee, and that is that if the funds carried in the bill are not sufficient to properly care for these veterans of the wars that the Government is providing for in these homes, they will go ahead and take proper care of them, and, if necessary, come back and get a deficiency appropriation. With this understanding General Wood says that the funds carried in the bill are ample.

Coming down to the Panama Canal, it is proposed to carry on the work of the construction of the Alhajuela Dam. Funds for the Alhajuela Dam were first carried in the 1929 appropriation bill, \$250,000 to commence the preliminary work. This bill carries \$1,000,000 to continue the work of construction. It will not, however, start the actual construction work. It will build a road and allow them to continue their diamond borings and continue the various investigations they have to make in a big construction project of this kind.

The Alhajuela Dam is 12 miles up the Chagres River and will store a sufficient quantity of water to permit them to double the capacity of the present traffic of the canal without any question as to there being an ample water supply.

They are confronted at Panama at times with the possibility of a dry year, and with their increasing traffic it interferes with the transit of the large ships through the canal. The

deep-draft vessels have to be towed through the cut, and that slows up the work of operation and also makes it more expensive to operate; but the new dam, when it is completed, will provide ample water not only for doubling the present traffic capacity but, the committee understands, it will provide ample water for a third set of locks, if a third set of locks is deemed necessary.

Mr. KETCHAM. Will the gentleman yield?

Mr. BARBOUR. I yield to the gentleman from Michigan.

Mr. KETCHAM. Will the gentleman be kind enough just at this point to make a brief statement as to the financial operations of the canal for this year? It seems to me that is very interesting.

Mr. BARBOUR. The financial operations of the canal are very interesting.

The total net revenues for the year 1928, which is the last year available, were \$18,961,564.29. This is an increase of almost \$3,500,000 over the total net revenues for the preceding year 1927.

In arriving at these net revenues all expenses, including depreciation and amortization, except interest on the investment, are deducted. They do not deduct interest on the investment. This includes not only the canal but the business divisions that are carried on by the Panama Canal.

Mr. BRIGHAM. Can the gentleman tell what rate of interest that would pay on the original investment?

Mr. BARBOUR. Well, let us see. The total cost of the canal, including the railroad, is \$386,000,000.

The gentleman can readily estimate it. Three hundred and eighty-six million dollars was the total cost of the canal. The present Governor of the Canal Zone says that in arriving at the cost of the canal we should add compound interest at the rate of 3 per cent from the time of construction during all the time this money has been out. He says that is the proper way to arrive at the cost of the canal—that the actual expenditure does not represent it, but that is a matter of bookkeeping and accounting. The proposed method of estimating the cost of the canal suggested by the present governor perhaps would be the correct way of estimating it.

Mr. BRIGHAM. The Government is getting 4 per cent on the cost of the canal.

Mr. BARBOUR. Yes. The tolls for 1928 were \$26,943,513.16. The transits have been increasing until the last few months when there was a slight decrease. In 1928 the commercial transits were 17.63 per day; including all ships, transports, and Government vessels that do not pay toll, the daily average has been 19.

Mr. ALMON. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. ALMON. The Government in business at Panama has been a remarkable success.

Mr. BARBOUR. Absolutely; and it is very well handled by the Government officials in charge of that great project.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. BARBOUR. I will.

Mr. WAINWRIGHT. In going back to the design for the Tomb of the Unknown Soldier, I want to ask the gentleman if this appropriation is made for beginning the work, it would mean a definite congressional approval of that particular design which would preclude any modification?

Mr. BARBOUR. No; it is not necessary to be made in that way. It can be authorized for completing the tomb of the Unknown Soldier.

Mr. WAINWRIGHT. In other words, my thought is this: That there should be considerable latitude left for further discretion for any necessary modification in the design. There may be some who would criticize the allegorical figure on the front, the male figure, as hardly a sufficient representation of the American soldier—at least not as we knew him.

Mr. BARBOUR. I would say to the gentleman that when it comes to a work of art you can frequently find many differences of opinion on the same subject—some good and some otherwise.

Mr. WAINWRIGHT. You do not need to be much of an artist to have some sense of fitness of things, with relation to the conception of what would be an appropriate representation of the American soldier.

Mr. BARBOUR. Those are matters which can be properly worked out.

Now that covers the more important items of the bill. There are a few matters in the bill which change our former policy in the way of limitation. For instance, it is provided that only one horse shall be allowed to an officer, and an annual allowance for forage and stabling provided. That I discussed a short time ago. Then it is also provided that the number

of officers who shall be taken into the Army during the fiscal year 1930 shall be limited to West Point graduates, warrant officers, enlisted men of the Regular Army, and persons commissioned in accordance with the law in the Army Air Corps. That is made necessary because if we do not place a limitation on it, it is liable to go over the 12,000 that we are providing for. While that might appear to be a discrimination against others who could qualify, the committee felt that we should apply some limitation at this time, and so we limited it to West Point graduates, enlisted men, and warrant officers who can qualify and men going into the Air Corps.

Mr. JAMES. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. JAMES. Is not the number of officers limited to 12,000 plus the 403 in the Air Corps?

Mr. BARBOUR. Let me ask the gentleman that question. The gentleman would know that, because it would come under the jurisdiction of his committee. Is there a limit of 12,000 on the number of officers, or is that the amount we have been appropriating for?

Mr. JAMES. My impression is that it is 12,000, by law, and that we increased the number by 403 in providing for the Air Corps.

Mr. BARBOUR. I would not state definitely, because that is a legislative matter. My understanding has been, however, that the limit was not fixed by law at 12,403.

Mr. JAMES. We increased the number of officers 403 to go into the Air Corps. I do not think that they can have more than 12,403.

Mr. BARBOUR. This is to hold the number to 12,000. This is to meet a situation which now confronts us. Next year it may not be necessary to do that.

Mr. JAMES. The language is not such that it prevents these men who graduate from Kelly Field from going into the Air Corps?

Mr. BARBOUR. Oh, no; it does not prevent them. It specifically mentions persons appointed or commissioned in accordance with law in the Army Air Corps.

There are one or two other changes in the language in the bill. One limits the activities of the post exchanges, and another one limits the procurement activities of the Army.

The committee has found that in this procurement work a large organization is being built up, composed to a considerable extent of civilians, but at the same time requiring the attention of a number of Army officers. It is being carried on under the supervision and direction of the Assistant Secretary of War, Colonel Robbins. Each time an increase in this activity occurs it means more money. The activity has been growing, until now there is a large number of people, civilian and military, engaged in this procurement work and study. The committee felt that in view of the fact that it was subject to great expansion we should put this limitation upon it and say that the funds could not be used for other procurement officers in excess of the number now engaged in that work.

Mr. JAMES. Will the gentleman please explain about the proviso respecting the field-service appropriation, that it shall not be available for personnel services in the office of the Assistant Secretary of War?

Mr. BARBOUR. Yes. My recollection of that is that the Assistant Secretary of War has been calling in people from the field service for work in his office, and we have been trying to get the field rolls and the departmental rolls straightened out so that we would know that the people in the departments were being paid from the departmental rolls and those in the field service paid from the field rolls. It was to prevent the field-service appropriations being used to pay for services in the departments. Such services should be more properly on the departmental roll and can be more properly taken care of. I understand the bookkeeping system will be greatly simplified by that provision.

The CHAIRMAN. The gentleman's time has again expired. [Applause.]

Mr. CLAGUE. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, inasmuch as an amendment will be offered at the end of this appropriation bill relating to the purchase within the United States of materials by the Army, and later a similar amendment may be offered to the Navy bill, I wish to place in the RECORD certain quotations. First, from a statement made by the president of our New England council, made recently:

We should have a law to require our Army and Navy, the military arms of our Government, to purchase their supplies within the defense of our guns. It is clearly absurd that their purchases be made abroad of those things essential in carrying on war, and things in case of war

they will need in large quantities. These purchases usually come in without paying a tariff. It seems absurd.

From an official of a department of the Government:

The law requires that the heads of departments place the orders with the lowest bidders, price and quality being equal. There is some association in Washington—I don't recall the name of it, but it is a sort of association of Government purchasing agents—and they have recently secured the introduction of a bill calling for a revision of the purchase laws. One section of that bill has revised the phrase, the conditions of which I have referred to somewhat, but to my mind not sufficiently, or not at all adequately to protect our own manufacturing interests in securing and having an even chance of getting Government purchases. The clause reads, "Orders placed on goods shall be placed with the lowest bidder, price and quality being equal." But that is not sufficient. Orders have been placed on balloon cloth, airplane cloth, silk parachute cloth, and khaki goods, and I recall an order for about 50,000 yards of expensive material which could be made in this country, I have no doubt, but it went to foreign mills because the total saving on the purchase was less than \$1,500. I am sure that the saving to the Government of \$1,500 was more than lost in other forms of revenue and taxes and wages, you might say, in one form or another, so in the end they more than lost that \$1,500.

Mr. TABER. Would the gentleman be willing to put his proposed amendment in the RECORD to-night, so that we may know what it is?

Mr. GIFFORD. The form of the amendment is not entirely agreed upon. We want the best expert advice that we can get, but I can read what will be very much like the amendment desired:

That the head of a department may have discretion in placing those orders whereby he may set aside bids made by a foreign mill or agent for goods, even though it is at a lower price.

In closing, I wish to repeat those words which to me and to the audience who listened seemed very impressive:

We must have a law to require our Army and Navy, the military arms of our Government, to purchase their supplies within the defense of our guns.

The CHAIRMAN. The gentleman from Mississippi [Mr. COLLINS] is recognized for one hour.

Mr. DAVIS. Mr. Chairman, I wish to announce that my colleague from Tennessee [Mr. McREYNOLDS] is absent on account of illness.

Mr. HUDDLESTON. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Alabama makes the point of order that there is no quorum present. The Chair will count. [After counting.] A quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 5]

Aldrich	Dallinger	Hull, Tenn.	Palmer
Allgood	Davey	Igoe	Parker
Arentz	Deal	Jacobstein	Parks
Auf der Heide	Denison	Johnson, Ill.	Patterson
Ayres	DeRouen	Johnson, Ind.	Peavey
Bacon	Dickinson, Mo.	Johnson, Okla.	Pou
Beck, Pa.	Dickstein	Johnson, Wash.	Prall
Bell	Dominick	Kading	Pratt
Berger	Doughton	Kent	Purnell
Blanton	Douglas, Ariz.	Kerr	Quayle
Boles	Douglass, Mass.	Kindred	Ragon
Bowles	Doutrich	Knutson	Ramseyer
Boyian	Dowell	Kopp	Reed, Ark.
Brand, Ga.	Doyle	Kunz	Reed, N. Y.
Brand, Ohio	Drewry	Lampert	Robinson, Iowa
Britten	Driver	Langley	Romjue
Browne	Edwards	Leatherwood	Sabath
Bulwinkle	England	Leech	Sanders, N. Y.
Burdick	Estep	Lindsay	Schneider
Bushong	Evans, Mont.	Linthicum	Sears, Fla.
Carew	Fenn	McClintic	Sirovich
Carley	Fitzpatrick	McFadden	Spearing
Carter	Fort	McMillan	Sproul, Kans.
Chase	Frear	McReynolds	Steagall
Christopherson	Free	McSweeney	Stedman
Clancy	Freeman	Maulove	Stevenson
Cochran, Pa.	French	Martin, La.	Stobbs
Cohen	Garrett, Tex.	Mead	Strong, Kans.
Cole, Iowa	Gasque	Merritt	Strong, Pa.
Cole, Md.	Gilbert	Michaelson	Strother
Combs	Golder	Montague	Sullivan
Connally, Tex.	Graham	Mooney	Taylor, Colo.
Connery	Greenwood	Moore, N. J.	Temple
Connolly, Pa.	Griest	Morgan	Thompson
Corning	Hadley	Nelson, Me.	Thurston
Cox	Hammer	Nelson, Wis.	Tillman
Crall	Hare	Newton	Timberlake
Crisp	Harrison	O'Brien	Tinkham
Crosser	Hastings	O'Connell	Underhill
Crowther	Haugen	O'Connor, N. Y.	Udlike
Culkin	Houston	Oliver, Ala.	Vinson, Ky.
Curry	Hughes	Oliver, N. Y.	Warren

Watson
Weaver
Weller
Welsh, Pa.

White, Colo.
White, Kans.
Williamson
Wilson, Miss.

Winter
Wright
Wyant
Yates

Yon

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 15712), making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes, finding itself without a quorum, the roll was called, and he submitted a list of the absentees for printing in the Journal.

The SPEAKER. The gentleman from Connecticut, Chairman of the Committee of the Whole House on the state of the Union, having under consideration the bill H. R. 15712, reports that that committee, finding itself without a quorum, he had directed the roll to be called, whereupon 246 Members answered to their names—a quorum. The names of the absentees will appear in the Journal. The committee will resume its session.

Thereupon the Committee of the Whole House on the state of the Union resumed its session, with Mr. TILSON in the chair.

The CHAIRMAN. The gentleman from Mississippi [Mr. COLLINS] is recognized.

Mr. COLLINS. Mr. Chairman and Members of the House, the management of the affairs of our Government is perhaps the biggest business enterprise in existence. It is difficult even for those of us intrusted with its management to know very much about it; hence it is not strange that the public is unconcerned and disposed to let it drift along. The attitude of the public is not very different from ours—we try to know something about those matters in which we have a special interest, while we ignore or permit others to attend to the rest.

The War Department is big; in fact, it is an enormous project. The work is supposed to be difficult and highly specialized, and all of us are disposed to let Army officers formulate the policies for us to blindly follow, assuming that what is done is right, and that we should never set our opinions against those experts in such matters.

I am convinced that we have been following dangerous lines and that the time has come for us to inquire diligently into these programs and the proposals of these men, then we can dictate legislative procedure uninfluenced by sentiment or the glitter of brass buttons. In this land of ours it is the duty of civilians to outline the military policy of their Government and to completely dominate its military activities.

I shall try to point out to you some of the salient features of this bill—to do more than to scratch the surface of this gigantic task would be impossible here this afternoon.

The activities of the War Department can well be considered under six subdivisions:

First. The Regular Army.

Second. The Militia Bureau, or, more correctly speaking, the federalized National Guard.

Third. The Organized Reserves.

Fourth. The Reserve Officers' Training Corps.

Fifth. The citizens' military training camps.

Sixth. The National Board for the Promotion of Rifle Practice.

The last five are civilian organizations. However, officers and enlisted men of the Regular Army are in direct charge of their operation and management, 3,089 officers and 24,019 enlisted men being assigned to these organizations for their training and instruction.

The Regular Army is, of course, growing not only in officers and enlisted men but in civilian personnel as well. The five civilian military organizations are likewise growing and are becoming more and more effective, especially from a political standpoint, and their political influence and power is growing in proportion to their growth in numbers. Numerically, they are larger and more effective now than they have ever been, and next year they will be larger and more effective than they are to-day. Their political influence and power, too, will grow with their ever-increasing numbers and their wishes will be more and more respected by public officials generally and especially those of us in Congress.

The creation of another division called the munitions unit was proposed in the 1929 bill; Congress authorized its creation in an act passed June 8, 1926, but this subcommittee, however, saw fit to prevent its beginning in 1929 and under that particular name it does not appear in this bill. The purpose of this unit was to take young men after graduation from college and give them 3 months' training in the Regular Army, then send them to college for 9 months and after this to put them in the factories of the country for 6 months, giving in all 18 months'

specialized training in factory work and management, and in the event of hostilities these men would become officers and would take charge of the factories of our country and operate them under the supervision of the Regular Army. It was proposed to begin with 250 such students and later to bring them up to 400 and thence to a larger figure. The law says that one-half of 1 per cent of the enlisted strength of the Army and 2 per cent of officers can be trained annually, and with our Regular Army establishment at its present size, this would provide approximately 840 students to be trained annually and with the retirement figure at 64 years, it would be possible to have about 34,500 such officers. Of course, this figure is the outstanding one and should be reduced by one-half on account of deaths, resignations, and other causes, but even with 17,250 such officers, its size and expense would be enormous. This scheme has never been tried out. No country has it now or has undertaken it. The student trained may or may not follow the work for which he was specially trained. If he did not, his training was wasted. If he did pursue the work for which he was trained, it would be foolish to let him contract with himself in the purchase of supplies for the Government or to permit him to adopt work standards, with the War Department backing him in his every whim. Aside from this, it is a dangerous undertaking in a republic to put its factories, including management and men, under the control of the Military Establishment.

Notwithstanding the action of the committee in failing to provide by name for this unit, the same activity by a different name appears in this bill; and while there also appears a provision keeping its size down to what it is now, as time goes on it will nevertheless grow year after year, and the Congress should bestir itself for the purpose of destroying it now while it is young. It is termed "procurement." Officers of the Regular Army, as well as officers in the civilian military organizations, are assigned to this work; they have offices rented in the various cities of the United States with competent civilian personnel all paid for out of funds appropriated in this bill, and these officers are supposed to keep in touch with the factories, fields, and transportation systems so that in the event of war or an emergency they can take charge of them and operate them, as they perhaps think, very much better and with a greater degree of patriotism than their civilian owners—all of which, however, I very much doubt. My own ideas are that those in charge of our fields, factories, and transportation systems understand the problems confronting them very much better than outsiders, even though these outsiders be Army officers. They have always shown a willingness to respond to all calls made upon them by their country and I sincerely believe that they can be trusted in the future to provide food, transportation, clothing, and implements of warfare better if left alone. Imagine some second lieutenant telling Mr. Ford how to run his factory either in peace or in war time, or some first lieutenant telling Mr. Atterbury how to run the Pennsylvania Railroad, or some captain telling the farmers of the country how they can best secure a larger number of bushels of wheat on a given number of acres of land. It is the rankest nonsense. The Army has tried to conduct strictly civilian activities in the past in other countries and their efforts have always been failures. They are not trained for this work and are incompetent to perform it. Success in any line requires the constant study of those in charge and their duties should not be interfered with by meddlers foisted on them by the Government under the pretext of national defense.

The enlisted strength of the Regular Army is 118,750 men. The officers number 12,000; however, the bill, as it came to this subcommittee, carried 12,200. The Philippine Scouts had last year a strength of 6,060. This bill provides for 6,500. The Army has 1,157 warrant officers; there are 148 retired officers on active duty; and a large number of these are in high schools scattered throughout the country teaching little boys to "play at war" and likewise trying to popularize the military idea.

There are about 60,000 civilians provided for in this bill assigned to various activities of the Army. It is impossible to find out just exactly their number, but they will aggregate about 60,000 and they will gradually increase. Their salaries compare favorably with men in similar lines of work in civilian life and hence they are superior as military workmen and as military experts to enlisted men. Their presence makes the Army much more effective than it would be by the addition of a similar number of enlisted men, and also relieves officers and men of much onerous work that they would otherwise have to do and in turn gives them more time for pleasure and amusement and general recreation. The officers of all classes number 13,305, and the enlisted men, including Philippine Scouts, are 125,250, and to these should be added experts, mechanics of all kinds, and other civilians performing all sorts of work, the

total of these being about 60,000, giving the Regular Army a total strength of about 198,555.

The officer and enlisted strength provided for in this bill is larger than it was in 1929. It was about 5,000 greater in 1929 than it was in 1926 and 1927. While this bill shows an officer and enlisted strength of only 365 more men than were provided for in the 1929 bill, the cost of the Regular Army is very much more than the cost provided for in the 1929 act. This cost year after year will show larger increases. The pay of the 12,000 officers in this bill will be around three and a half million dollars more than that provided in the 1929 act. All branches of the Regular Army are abundantly provided for. The Air Corps alone is given \$33,578,683 as against a total appropriation for 1929 of \$25,875,041. The figure \$33,578,683 does not, however, represent the cost of the Air Corps. Its real cost is \$66,336,002. As evidence of the fact that this appropriation is more than sufficient, I call the attention of the Congress to the following statement of General Summerall when asked about its adequacy:

It is a well-balanced program, and we feel in many ways it is quite generous.

The Militia Bureau of the federalized National Guard continues to grow. In 1920 it had 1,939 officers and 47,019 enlisted men; on June 30, 1927, there were 12,010 officers and 182 warrant officers and 168,750 enlisted men—a total of 180,920 men. There was carried in the 1929 bill an appropriation sufficient to take this number to 188,000, of whom 13,630 are officers. This bill carries an appropriation sufficient to provide for 190,000 men, of whom 13,966 are officers. Those in charge of the Militia Bureau testify that their immediate program will seek a total aggregate strength of 210,521 National Guard troops. After this number is reached, then the goal will be 435,000, for that is the number authorized in the national defense act. Regular Army officers and federalized National Guard officers are quite enthusiastic over making the National Guard a thoroughly efficient organization. They are anxious for it to grow and to become more effective and are quite solicitous about every subject pertaining to its welfare, and have thus far been able to secure practically everything that their hearts might desire.

This bill provides for 48 drills a year and 15 days' intensive training at camp. Of course, officers and men attending these drills and taking this intensive training are paid for doing so. There are quite a number of members of the guard, both officers and men, who have a yearly status and are paid according to their grade. The training of the guard is practically the same as that of the Regular Army; it is organized according to the same lines, and it has cavalry, field artillery, an air corps, tank corps, an engineers' unit, a chemical warfare section, an observation section, and practically everything else that the Regular Army has. Two hundred and sixty-three of its officers and 110 of its enlisted men go to service schools and are there given special training by officers in the Regular Army. The amount provided for this schooling totals approximately \$375,000. Guard affairs generally and instruction of its officers and men are under Regular Army officers and enlisted men; 447 officers and 589 noncommissioned officers are especially detailed for their training and instruction.

Of course, it has to have plenty of horses for its several branches, the same as the Regular Army, including its air corps, for horseback riding is becoming more and more popular as a social activity, and an ample number of horses must be provided for those in the federalized National Guard who are anxious to ride. On December 1, 1928, it had 10,299 horses; of this number 8,389 were Government-owned and 1,910 were State-owned, which had been federally accepted and were maintained at Federal expense. This number does not include the ones provided in the 1929 bill.

It has 19 organized air squadrons, with 347 officers and 1,689 men. They each averaged 91.56 flying hours. Pilots in the Regular Army average around 200 hours a year. They are up to full strength in all classes of planes. This bill provides for the purchase of 22 additional planes. It has its various units, including harbor defense, antiaircraft artillery; in fact, almost every kind of modern equipment, such as ambulances, tractors, trucks, searchlights, and so forth. The motorized vehicles number 5,795.

The federalized guard during the past four years has cost the Government some \$55,000,000 per year. This bill carries \$32,319,798, and after State contributions and free issues are added the cost will be around \$55,000,000—perhaps more.

The per capita cost of the members of the federalized guard to the Federal Government is \$222.55 and to the States \$87.31—a total of \$309.86—and these figures do not include all of the

items that should be properly charged against the guard. The total value of equipment in the guard as of June 30, 1928, is \$111,973,941.49. The real per capita cost of members of the guard to the Federal Government and State governments is around \$500 per year.

The Organized Reserves have grown to be largely an officer organization. There is a branch for enlisted men, but there are very few in it. The Organized Reserves is the result of the national defense act. It is growing very rapidly and will continue to grow, and there is no limit upon its possible growth. The members of this subcommittee have repeatedly requested the War Department to furnish information as to those in the Organized Reserves who are showing an interest in it, but there seems to be a disposition in the department to let well enough alone; and if a person becomes a member of the Organized Reserves, whether he performs any duty or not he will always continue to be an officer in it, and I am confident that this policy will continue. On June 30, 1920, it had 68,232 officers and no enlisted men. On June 30, 1926, it had 103,829 officers and 5,775 enlisted men. On June 30, 1927, it had 110,014 officers and 5,735 enlisted men. On June 30, 1928, it had 114,824 commissioned officers and 5,416 enlisted men. Of these officers 20,000 are provided 15 days' training out of funds appropriated in this bill. Four hundred and fifty-four officers will be given more than 15 days' training. This subcommittee increased the number to be trained over that recommended by the Budget. This bill provides for the training of 130 Air Corps officers, who will receive one year's instruction. This number will increase year after year until 330 are annually trained, and shortly afterwards this number will go to 550 per year. These reserve officers are also given correspondence course, or, in other words, such of them as are willing to take these courses, and under this practice certain military instruction is provided.

This particular activity is divided into various units and sections, the same as the Regular Army and the federalized guard, with war implements of the same or similar kinds. They have Regular Army officers totaling 416 and 501 enlisted men over them who are assigned for their training and officer management. The officers in the Organized Reserves were officers to start with, and it is wholly unnecessary to furnish them with intensive training at all times; however, every effort is made to keep them abreast with the times and to provide them with modern military instruction.

The Organized Reserves is growing just like all of the other branches of the Army. In 1920 the number of officers was around 68,000, and it stayed around this figure for about one year; then, in 1923, it was 70,000; 1924, 81,000; 1925, 95,000; 1926, 103,000; 1927, 110,000; 1928, 114,824. The immediate goal for the Organized Reserves is 125,000, and this will be reached in a very short while in spite of the fact that it was decided last year that only 65,833 of these officers could possibly be used in the mobilization of three and a half million men. One-tenth of the officers of the Organized Reserves going to camp are used in procurement.

The word "procurement" as used by the Army in this connection does not mean procurement; it merely means that these 2,000 men are given training under military officers in farm management, transportation management, factory management, and, in fact, the management of practically all civilian activities so that in the event of war or a great emergency the production of food and the manufacture of clothing, medicine, and in fact everything that could be used by human beings or an Army, as well as transportation facilities, would be under the control and dictation of Army officers. The amount carried in this bill for the Organized Reserves is \$5,757,879. Of course, this item covers only the general activities of the Organized Reserves.

The Reserve Officers' Training Corps is made up of young men in the colleges and the high schools of the country and there are 127,141 of these young men who will take toll out of this bill; those in the colleges are divided into two classes: The advanced students and the basic students. There are 13,870 of the advanced students and 71,250 of the basic students. Those little boys in the high schools of the country who are given military instruction are known as junior students and they number 42,021. In addition to these, there are 59 schools with an enrollment of 14,807 that are known as 55-C schools. They do not properly belong to the Reserve Officers' Training Corps; they are given infantry training mostly and are provided with rifles and ammunition and certain other allowances. I can not give the Congress the number of girls who are given this particular training because their number was not furnished to the committee, but usually pretty girls are chosen as officers and sponsors and uniforms are provided for them. These girl offi-

cers are frequently installed with much pomp and ceremony and public display; they lead parades and participate in reviews and preside on social occasions, conduct personal inspection of boy cadets in some places, and act as general billboards advertising the glory of the Reserve Officers' Training Corps and the military machinery.

The Boston Post carried this story of how these little ladies are made useful:

Four girls of the New Bedford High School have been elected officers in the Reserve Officers' Training Corps of the New Bedford High School, and their commissions have been authorized by the War Department. * * * The girl officer, according to modern training ideas, furnishes a liaison between the social and military life of the school. The girl officer is expected to call the attention of the boy in training to the fact that a button may be missing from his tunic or that a grease spot may have appeared at his elbow. The reserve officer, it is believed, would more readily accept criticism from a girl than he would from a boy, and be more anxious to avoid it. The same idea prompts the training officer to have the girls accompany them on tours of inspection. * * * The "lady officers" are known as sponsors and are elected by the student body. Thus the most popular girls in the school are officially recognized in the Army organization.

I have a picture of 11 pretty little girls from the Ogden, Utah, high schools, all dressed in special military uniform. Under the photo is this quotation:

Always filled are the ranks of the Reserve Officers' Training Corps at Ogden. The photo shows the reason.

I have also a press clipping showing Major General Summerrail with a pretty girl from Creighton University, in Omaha. The general is quoted as saying:

With so pretty a colonel, it is no wonder the Creighton Reserve Officers' Training Corps is such a well-drilled unit.

According to the San Diego Union, they have gone one step further out there and have a corps of matron sponsors as well as pretty girl sponsors to help popularize their military unit. The military minded are out to get the whole family to boost their idea. In turn for the publicity and popularity the girls give the Reserve Officers' Training Corps, they get much social distinction and no end of newspaper publicity, their pictures appearing in scores and scores of newspapers from coast to coast. As many as 50 to 75 pictures of many of these girls are published by as many different city newspapers. Of course, the youngsters fall for this, as do their mothers, brothers, sisters. It is the old game of playing sex appeal on youngsters for the purpose of helping to popularize this activity of "playing at war."

The girls have rifle teams, and they like it; and, of course, it does not cost them anything. It helps to make them popular, and they join in the game. So many of these trainings units are so well supplied with officers and men that they have time to coach these teams on the side—as a delight to themselves, to the girls, and to the community. The press is filled with pictures of these fair marksmen. I have a clipping that tells the story of one who became so enthusiastic over her work that she actually enrolled in the military unit at her university and took the training. She was made an honorary colonel for her interest. The press reports her as studying infantry drill, musketry, and automatic-rifle shooting. The fact that these news stories with photographs of pretty girls go out over the country all the time is another factor to keep in mind when trying to estimate the future influence of this program. We pay officers to train men for battle, and they spend their time playing around with co-ed marksmen and Government equipment is used by many of these teams, and the Government supplies the ammunition.

The big parade for boy cadets where girl officers turn out to "strut their stuff" is becoming a community event in many places and, of course, the Regular Army is glad to pull off these events, since it gives them opportunities to make speeches on the glories of preparedness and the general stupidity of our country in the past. You should see some of these gala parades and reviews held by our civilian training units—for the edification of those in the ranks and those in the grand stands. Just listen to this press description of a review in a western high school taken from the San Diego Union of January 24, 1928:

The battalion and company officers were ordered "front and center," to be confronted by a line of girls equal in number to the cadet officers. There was an instant of salute, and each officer claimed his sponsor and proudly lead her to his unit, where she took her place with as much precision as her escort. The companies and battalions greeted their sponsors with a round of applause.

Some of the newspaper headlines run:

Fifteen thousand at Gloucester High School battalions field day. Pretty sponsors spur boys in annual Reserve Officers' Training Corps field day. Reserve Officers' Training Corps unit struts stuff in annual review—

And so forth.

These parades and reviews are made so thrilling and attractive by every means possible that the little tots of the community will look forward to the time when they get big enough to participate in yet bigger and showier parades.

The young ladies are not the only agencies used in the Reserve Officers' Training Corps for the purpose of popularizing military training. Horses also play a large part. There are certain schools that would probably not have a Reserve Officers' Training Corps unit were it not for the riding horses that are provided for the amusement of these young men. Riding is becoming very popular socially, and most young men in schools like to ride, and as long as they are able to ride a good horse, furnished, fed, and equipped in a fine, splendid way by the United States Government, they join the Reserve Officers' Training Corps—for the purpose of improving their horsemanship. Nearly 2,000 horses are furnished now by the Government to various educational institutions, and additional ones were provided for in the 1929 bill and still more in this bill. The Government has 13 mules assigned to the Reserve Officers' Training Corps. I do not know whether there is any special significance in the number 13 or not, but I do know there is a dearth of mules. I presume that they are used for zoological purposes.

So you see we can now add to the saying, "Join the Army and become a man," "Join the Reserve Officers' Training Corps and ride." The horse is kept in the Army because of its amusement and social value rather than its probable military usefulness.

In order to further popularize this work the drilling is reduced to a very low minimum. Three hours per week constitute the entire time that is required of a young man, and of this time not over one-third is devoted to drills. The rest of the time is taken up with such work as organization and administration, military customs, military courtesy, military hygiene, first aid, marksmanship, physical training, command, leadership, military sketching, map reading, military law, patriotism, the beauties of the national defense act, and such other kindred subjects. Bayonet practice has been abolished because it did not have a very favorable appeal to young men and young women engaged in this training, and it was thought that it was tending to make the work less attractive and popular. Band instruments are likewise provided by the Government, so that these young men and young women may be supplied with music at Federal expense, and, of course, hostesses are furnished in the camps, so as to wet-nurse these youngsters and direct them along the proper social lines. There are other things too numerous to mention furnished and provided these young people so as to popularize the training.

These young men in the colleges are given subsistence allowance at school and are provided with uniforms. And, of course, the military uniform has always been one of the prize inducements for persuading young men and women that military service was glorious. The advanced course students are provided with a uniform costing \$30 and allowed \$6 the second year for its renovation. The junior and basic units are provided with a less expensive uniform, but with this bill the uniform allowance for the juniors will be increased, and in a very short while the juniors will be given a uniform costing around \$20 per man. I have not been able to learn how the uniforms for the young ladies are furnished, but I presume it is taken care of somewhere in the bill.

And, mind you, the Regular Army officers say they need a new uniform for the soldiers of the country, the enlisted men in the Regular Army. Those men who will stand the brunt of the battle in the event of war. They can not afford to ask us to give these men a new uniform, but they are asking for one for these youngsters in the colleges of the country.

The Reserve Officers' Training Corps is divided into the Infantry, the Cavalry, the Field Artillery, the Coast Artillery, the Air Corps, Engineers, Signal Corps, and other corps units in the same manner as the Regular Army. They have allotted to them for their training and education 700 Regular Army officers, 108 active retired Army officers, 18 warrant officers, 495 noncommissioned officers, 27 active retired noncommissioned officers, and 407 enlisted men, over 1,750 Army men in all. I do not remember now the number of hostesses.

Mr. BLACK of Texas. Mr. Chairman, will the gentleman yield there?

Mr. COLLINS. Certainly.

Mr. BLACK of Texas. It is my recollection that the War Department did not want rifle matches except every few years, and Congress itself passed a law requiring that they shall be annual affairs.

Mr. COLLINS. That is so.

Mr. BLACK of Texas. I know I opposed the passage of the bill at the time, but my opposition was ineffective.

Mr. COLLINS. Only 27 of the teams will go to the rifle matches.

Most of these young men are youngsters of tender years and, of course, those in the high schools are very young and their minds are in a formative state.

Military training is compulsory in about 85 colleges and universities, but is elective in about 45. In the high schools it is compulsory in about 20 cities and elective in about 35. In the 55-C schools, which are in addition to those just named, I have no information as to whether training is elective or compulsory.

This military training is acceptable to the management of many schools and colleges because it provides subsistence and uniform allowance to students, as well as the so-called physical training and citizenship training at Federal Government expense, and further because of the fact that other work like horseback riding, and so forth, that most young men like to indulge in is furnished them free.

The amount carried for this activity is \$2,676,817, but this by no means covers the entire expense of this activity. It really does not even begin to take care of it.

Citizens' military training camps are intended to take care of the training of citizens generally along military lines. It is intended to train at these camps young men from all the walks of civil life who would like to go to camp for 30 days where military instruction is provided them. They are usually trained at Regular Army camps; 34,515 were trained this year. This bill provides for the training of 37,500, an increase of about 3,000 over the number last trained.

All kinds of advertising campaigns are carried on to secure these trainees. Moving-picture films are used, and posters and leaflets, advertising buttons, window cards, street-car cards, and bus cards are used to induce young men to go to summer training camps. The Post Office Department uses a stamp on the face of letters for the purpose of advertising this activity. Of course, other forms of advertising are also used, and then there are Army officers and enlisted men stationed over the country for the purpose of persuading the heads of big corporations to permit young men working for them to attend these summer camps.

These young men at camp are also provided with hostesses to look after their social activities. They are also given numerous kinds of amusement, including horses to ride, and other methods calculated to popularize the work. This particular activity, like all the rest of them, will grow, and those having it in charge ultimately hope to train at least 100,000 of these young men annually.

At camp these boys are provided with the usual uniform—a cravat, raincoat, shirts, gymnasium shoes, one or two pairs of service shoes, and such other articles as they might need for training and the amusements furnished them. Fourteen hundred Regular Army officers and 22,000 enlisted men and a number of hostesses are provided by the Government to look after and train these young men while they are at camp for 30 days.

This organization is also instructed in the work of factory management, railroad management, farm management, and other civilian activities, so that they may be used in the general scheme of taking over the management of farms, transportation systems, and manufacturing concerns in the event of war or national emergency. This work is called "procurement," too, and has been discussed heretofore. For this activity \$2,742,158 is appropriated, but this amount is small as compared with the total cost of the work.

Rifle matches are also provided for in this bill. This is now a yearly activity. The amount of \$734,750 is appropriated to carry on this work, but this figure also does not tell the whole story, for there are a great many articles furnished to these men which are not included in this figure; neither does it take care of the salaries and other general expenses of Army officers who are assigned to this particular duty.

This bill provides for 27 civilian teams of 10 men each, or 270 civilians that will go to the annual matches. The different branches of the Regular Army will send teams too, also the various civilian military organizations, including the schools. The Navy will likewise send its teams there. Of course, the rifle clubs throughout the country are furnished with ammunition and guns, and there are several thousand such teams; but only 27 of the teams will go to the annual rifle matches. There are a number of these teams that are made up of ladies. Not

only the young ladies in the schools have rifle teams, but also ladies throughout the country belong to rifle teams and some of them go to these matches. Civilians belonging to these teams are usually men of mature years, some of them range in age between 60 and 70 years.

From the statements I have made it will be seen that we are carrying on a very elaborate program in training our men and women for military duty, and we are spending a great deal of money in popularizing the military idea. The total number in all of these military establishments, including the Regular Army, is about 700,000, and constitutes an army very much bigger than the average citizen realizes. Of course, it must be admitted that many of these citizens' military trainees are encouraged to be in these units by Regular Army management for propaganda purposes only. They are given sugar-coated training because they will become boosters of the war-game idea. Whatever their purpose in being in these organizations does not matter; we are confronted with the stern reality that there exists in the United States a military establishment numbering around 700,000 persons, and that it is growing rapidly year by year, and that it has the lawful, regular, legislative, authorized authority to grow. It is evident also that the time is near at hand when it will approach the million mark, and then the 2,000,000 mark will be close at hand, and when it reaches 1,000,000, Members of Congress who stand in its way will be retired to private life; then we will find ourselves in the attitude of humbly obeying commands that will be sternly given us. I think it is high time that we see conditions as they really exist, and while we are free we should curb this growing menace.

Just what is our military department looking forward to in the way of an expansion program? In a little book by Lieut. Col. P. S. Bond we have an outline of what he believes would constitute a proper military policy. I take it that this proposal of Colonel Bond is suggestive of what our War Department is driving at because his works are very widely used by the War Department in the training of our young men throughout the country.

Let us look at his proposed military program:

1. A Regular Army of about 300,000 enlisted men and 20,000 officers, etc.
2. A National Guard under complete Federal control, numbering from 400,000 to 500,000 officers and men.
3. An Organized Reserve of from 500,000 to 1,000,000 officers and men, etc.
4. The Reserve Officers' Training Corps in schools and colleges.
5. Universal military training for young men in time of peace.
6. Summer camps of instruction (nine in addition to universal training camps) for—
 - a. Regular Army.
 - b. National Guard.
 - c. Organized Reserves, etc.
7. Uniform organization training and equipment for all branches of the military forces.
8. Compulsory service, both military and industrial, in time of war.
9. Enlistments to six months beyond the cessation of hostilities for all wars.
10. Appointment of all officers by Federal authority.
11. Use of Regular officers in the higher command and staff positions with National Guard and reserve troops in time of war, etc.
12. A proper equipment for all troops, and a proper reserve of equipment and all necessary supplies, etc.

Mr. LA GUARDIA. Mr. Chairman, will the gentleman yield there?

Mr. COLLINS. Certainly.

Mr. LA GUARDIA. Who is that from whom the gentleman has been quoting?

Mr. COLLINS. Lieut. Col. P. S. Bond. He is a gentleman who writes articles and books for the schools and colleges of the country engaged in this training.

This colorful program is enlightening, for it reveals the real meaning beneath the endeavors of those who are trying to boost the Military Establishment and to popularize it. This is what they are looking forward to. The methods of embellishing the military game I have outlined above are a part of the means for making us willing to swallow this whole scheme without gulping too much as it goes down. Of course, this Congress and the country at large would not accept any such proposition if it were all presented to us at once—but when it comes in small doses, all wrapped up in pretty bundles of colorful display and charmed public sentiment, we are more inclined to take it.

Let me throw light upon the methods they are using to get us back of this scheme.

First. In the first place there is the practice of presenting military training and military life as training in citizenship, physical education, and character development. Parents are told to send their boys to the citizens' military training camps and to Reserve Officers' Training Corps units in the schools and colleges to make men of them. Quite often very little is said about preparation for national defense and little effort is made to develop the spirit of really being ready to face the crucial tests of actual warfare. Rather the summer vacation side of the camps or the personal advantages to be gained from the training units are stressed. After a boy has enrolled in one of these civilian training agencies because of these appeals to his personal desires he is told that what he is doing is the highest form of patriotism and that he is being made the very best kind of man and citizen.

Schools and colleges that are pressed for funds for maintaining courses in physical training and courses in citizenship are willing to pass the buck to the Federal Government and accept military training and military instructors in the place of civilian teachers especially prepared to teach these subjects.

The result of this is that military men are set up as experts in physical education, in citizenship, and in character development. Boys and girls are given the impression that good citizenship and good character consist of the ways and attitudes of the military man. Since military training is extolled above other forms of training for these same ends, boys and girls get the idea that there is no other class so well fitted to lead youth as the military group, no other service so patriotic as military service.

If you will drop into the post office in this city down near the Pennsylvania Station you will see a poster of a man in military uniform rushing over a hilltop with his rifle and bayonet in position to thrust, while behind him the flag flutters in the breeze. At the top of the poster is the heading, "United States marines." Underneath this highly colored figure is the statement in large letters, "A man's game," the idea being that the military game is the only man's game.

Members of the reserve who are out in the business and industrial world succeed in getting civilian support and money to help out the extensive military appropriations carried in this bill for further garnishing the military life. Funds for prizes and awards to members of various units are secured and these awards are granted before large audiences of admiring parents and neighbors. One of our large universities, for example—the University of Illinois—carries in its annual catalogue the announcement of five medals or prizes to be given to the boys who most enthusiastically enter into the war game.

Magazines published through civilian money singing the praises of the War Department program are widely circulated through the country. At least in one case, that is in the second largest city in the country—in the Chicago High School Reserve Officers' Training Corps units—they are given to all boys taking training. Bulletins and magazines published by branches of the service, and carried under the War Department official business postal frank, carry propaganda for a blatant militarism and ridicule efforts to find substitutes for the military way of doing business.

These magazines are published by certain branches of the Army, are paid for by the United States Government, and go out under frank. In the December issue of one of the bulletins of one of the branches of the service, for example, they departed so far from their regular business of military preparedness to carry an attack upon "labor colleges," hinting that all such were attempts to undermine the Government. I do not know anything about labor colleges. I am not their defender. I only know that Government funds should not be spent in this way. Just what is the philosophy that is being sold to the country through these moves to popularize the Military Establishment? Let us look at some of the public utterances of our military representatives. Major General Hinds is reported in the press—Rocky Mountain News, Denver, November 18, 1927—to have said to the students of the Denver High School:

There will be another war just as sure as the sun rises in the east.

General Ely, commandant of the Second Corps Area, speaking before the Exchange Club of New York City, is reported in the New York Times—October 12, 1928—to have said:

We all know there will be a next war, despite talk of peace pacts. * * * We can get around these disarmament pacts and be prepared for the next war only if we adopt some sort of a program of industrial preparedness.

Major McNair, of the Purdue University Reserve Officers' Training Corps, said in the Purdue Alumnus of May 3, 1926:

If a pacifist is one who believes that war is unnecessary and preventable, then pacifism becomes a menace.

The CHAIRMAN. The gentleman has consumed one hour.
Mr. COLLINS. Mr. Chairman, I yield myself 10 additional minutes.

The CHAIRMAN. Without objection, the gentleman is recognized for 10 additional minutes.

There was no objection.

Mr. COLLINS. Lieut. Col. P. S. Bond, who is the author or editor of a number of training manuals used by our civilian military training units and whose military dream I have just read to you, says in his booklet, *Our Military Policy*, which is used by many college units:

We live in a world governed by Divine laws which we can neither alter nor evade. And in this world of ours force is the ultimate power.

Now, one does not have to be a pacifist to feel that the effect over a period of years of this playing around with our boys and girls of men who hold this military philosophy of ever-recurring wars and big preparedness for peace will be a constant growth of that sentiment in the land. At a time when our country is trying along with other lands to find some substitute for war we go on laying the foundations for an ever-increasing military machine.

This appropriation provides for some 700,000 men, an establishment as large as any possessed by any other nation. Many of these are having a most delightful experience and are most happy to be a part of this giant army. They will attract others to desire the same experience. We may expect down through the years to see the demands made upon this Congress grow until our Military Establishment reaches further and further into the life of our people. This is only a beginning if we are to judge by the evidences I have given of the efforts made to extend the popularity of our war establishment.

We are being made to work for this goal—not knowingly, for we do not seem to know what we are doing. Gradually, but faster than we realize, we are lead, as those mesmerized, and without knowing the result of our conduct. This applies with equal truth to the general public who are carried away with this popularizing, this playing at the only man's game, and to those of us who vote year after year for these growing appropriations.

Are we not proceeding along ways proven wrong? Are we not laying the foundations for future trouble? Can we carry on as we are going to-day without provoking our neighbors to follow after us, and will not the day of reckoning come to us as it has to others? We complain of the military and naval preparedness of our sister nations, while at the same time we are lulling ourselves into the stupid notion that our conduct is different from theirs. Fellow Members, is it not about time to correctly interpret our own actions? We are fooling no one but ourselves. [Applause.]

Mr. ADKINS. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. ADKINS. Did the gentleman vote to recommend this elaborate scheme to the House?

Mr. COLLINS. I did not. [Applause.]

Mr. JAMES. Will the gentleman yield?

Mr. COLLINS. Certainly.

Mr. JAMES. Will the gentleman put in the *RECORD* the names of the magazines published by the War Department and sent out under frank?

Mr. COLLINS. I will say to the gentleman that later on I hope to make a speech on magazines in the War Department.

Mr. JAMES. I read the hearings, but could not find any, so I would like to have the gentleman give me the names of the magazines published by the Army or any branch of the Army and sent out under frank.

Mr. COLLINS. I have an armful of them over in my office, and if the gentleman wants to look at them he can do so.

Mr. JAMES. I do not want to look at them, but I would like to have the gentleman put the names of the magazines in the *RECORD* so we can all know about them.

Mr. COLLINS. As I said, I hope to make a speech later on on the subject of magazines in the Army.

Mr. ABERNETHY. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. ABERNETHY. The gentleman has attacked the entire system of national defense as now proposed by law. Has the gentleman any plan to suggest other than that we now have, and has he any suggestion to make as to how we should defend ourselves in this country?

Mr. COLLINS. The gentleman is just raking straw now.

Mr. ABERNETHY. No; I am not raking straw; I am asking seriously.

Mr. COLLINS. The gentleman is not asking a question to elicit information, but I will ask the gentleman whether he approves of all these activities enumerated by me.

Mr. ABERNETHY. I approve of an adequate national defense, I will say to the gentleman.

Mr. COLLINS. I am not asking the gentleman if he believes in adequate national defense; I am asking him if he believes in this playing at the war game. I do not yield to the gentleman to make a speech.

Mr. ABERNETHY. I did not mean to offend the gentleman.

Mr. COLLINS. I know the purpose the gentleman has in the back of his head.

Mr. ABERNETHY. The gentleman has attacked the entire War Department, as I understand.

Mr. COLLINS. I have not done anything of the kind.

Mr. ABERNETHY. That is the way I understood the gentleman's speech.

Mr. COLLINS. The gentleman is still raking straw. The gentleman is joining the army of propagandists; that is what he is doing.

Mr. ABERNETHY. No; I am not raking straw.

Mr. COLLINS. The gentleman is getting in on it.

Mr. ABERNETHY. No; I am not raking straw; I am just asking the gentleman a polite question, but if he does not care to answer it, all right.

Mr. COLLINS. The gentleman is just joining the rest of these propaganda agents.

Mr. SCHAFER. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. SCHAFER. The gentleman stated he did not vote to report this appropriation bill to the House. Is the gentleman going to offer amendments as we progress under the 5-minute rule to cure the situation which he has been condemning?

Mr. COLLINS. I hope to offer some amendments, but I am rather inclined to believe, from my experience last year, that my amendments will not be accepted. I will try some of them, though.

Mr. ADKINS. Will the gentleman yield further?

Mr. COLLINS. Yes, indeed.

Mr. ADKINS. The purpose I had in mind in asking my question was to ascertain whether the ideas the gentleman has so ably presented in his speech were given to the committee and how the gentleman's committee took the suggestions he has made here. Has the gentleman presented those matters to the committee?

Mr. COLLINS. I will say this to the gentleman in defense of the committee: This committee cut out a lot of very useless items; in fact, the committee deserves the congratulations of this House for the elimination of many items that I think should have been eliminated. The trouble about most of the activities that I have criticized is that ample law exists for their continuance. The national defense act was passed at the immediate close of the war, when men were excited and had all sorts of notions about preparedness, all sorts of ideas about what was going to happen to us in the future and taking advantage of this situation this act was jammed through Congress. The national defense act permits almost anything to be done by the War Department. If it were proposed to-day, it would not get 25 votes.

Mr. ADKINS. The thought I had in mind was whether or not the matter was presented to the committee and whether the committee had this idea of militarizing the minds of our country.

Mr. COLLINS. Ours is not a legislative committee anyway but is an appropriation committee, and if we propose legislation, points of order would be made against it and such proposed legislation would go out of the bill. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

If there is no further debate, the Clerk will read.

The Clerk read as follows:

Office of Chief of Engineers, \$121,858: *Provided*, That the services of skilled draftsmen, civil engineers, and such other services as the Secretary of War may deem necessary may be employed only in the office of the Chief of Engineers, to carry into effect the various appropriations for rivers and harbors, surveys, and preparation for and the consideration of river and harbor estimates and bills, to be paid from such appropriations: *Provided further*, That the expenditures on this account for the fiscal year 1930 shall not exceed \$191,620; the Secretary of War shall each year, in the Budget, report to Congress the number of persons so employed, their duties, and the amount paid to each.

Mr. ABERNETHY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and Members of the House, it was not my intention nor purpose to have anything to say on this occasion, but in view of the colloquy between the distinguished gentleman who has just preceded me, Mr. COLLINS, of Mississippi, a member of the Subcommittee on Appropriations, and myself, I think

it is due me, and particularly in view of the manner in which the gentleman answered my question, it is due the House that I should make a brief statement of my ideas on the question of national defense.

If I interpreted the gentleman's speech that he made here, it was a very general attack upon our laws of preparedness in this country, which are incorporated in the national defense act, without suggesting or setting up in his speech any method for the defense of the country or any procedure for us to follow in times of peace.

Seriously, I think the gentleman has made a speech here which very seriously attacks our entire national-defense system. For one, I am not in favor of a large standing Army or a large Navy, but I do not think this country is justified even in peace times in going along without some plan of defense for our people.

Mr. SCHAFER. Will the gentleman yield there?

Mr. ABERNETHY. Yes; I yield to the gentleman.

Mr. SCHAFER. Especially when the other nations of the world are increasing their appropriations for armies and navies and air forces.

Mr. ABERNETHY. I think the gentleman is correct; and I want to say in passing I think this bill that is now before the House is certainly as free of partisanship as any appropriation bill I have ever had occasion to study; and I want to say further that this Subcommittee of the Committee on Appropriations has been very liberal to the people of the section of the country that I in part have the honor to represent.

Now, take the National Guard, the Officers' Training Corps, and the citizens' military training camps, and the various school military activities, and especially take the training camps that we have every year in various sections of the country, I do not see anything in these activities that is undermining the foundations of our Government. I do not see anything wrong with them, and I confess, in all seriousness, I do not think the gentleman was justified in saying that I was "just raking straw," whatever he means by that term. I think the gentleman is not even raking straw. I think he is doing worse than that. I think he is attacking a great legislative program and is attacking the national-defense system of our country. That is the way I feel about it.

I did not intend to say anything at this time on the bill, but for one I believe in an adequate defense, and in respect to our Army and our Navy, they should be sufficiently large in peace time that in case of war we can build up a sufficient Army and Navy for our defense. I think wherever our flag flies we ought to spend enough money and have enough men to protect American lives and property. [Applause.]

The pro forma amendment was withdrawn.

The Clerk read as follows:

In expending appropriations or portions of appropriations, contained in this act, for the payment for personal services in the District of Columbia in accordance with the classification act of 1923, as amended (U. S. C., pp. 65-71, secs. 661-673, 45 Stat. 776-785), the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such act, as amended, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the classification act of 1923, as amended, and is specifically authorized by other law.

Mr. LA GUARDIA. Mr. Chairman, I have an amendment. On page 4, line 4, strike out "pp. 65-71" and insert in lieu thereof "title 5."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will read.

The Clerk read as follows:

Amendment offered by Mr. LA GUARDIA: On page 4, line 4, within the parenthesis, strike out "pp. 65-71" and insert "title 5."

Mr. BARBOUR. Will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. BARBOUR. The gentleman's amendment leaves in the letters "U. S. C."

Mr. LA GUARDIA. Yes. I want to call the attention of the committee to the fact that all through the bill reference is made to the United States Code by pages and sections. It so happens that just now there is but one print of the United States Code and the page reference may be correct, but the proper method of referring to the United States Code is by title and section. It is not necessary to refer to the chapter because the sections run consecutively within the title.

Now, it may so happen that the copy of the laws that you refer to in the departments or elsewhere may be in pamphlet form or there may be other editions and therefore your page reference is of no value.

Mr. BARBOUR. Does not the gentleman think, though, that this is a more convenient reference, because your title may cover a great many pages, and if you simply refer to the title then you have to turn to each page?

Mr. LA GUARDIA. No; because you have the reference to the section. It is dangerous to refer to pages because all the editions of the law are not the same. A page reference is only useful assuming every one has the same edition of the law, and inasmuch as the print we have before us will change next year, if we add the laws that have passed this year, then your page reference is not of any value even with respect to the edition now in use; and there is a rule now before the House that references to the code must be made according to title and section.

Mr. BARBOUR. Our only object is to make the reference as convenient as possible so that the law can be readily turned to.

Mr. LA GUARDIA. Exactly. A great many officials who are handling these matters in all likelihood have not the United States Code before them, but they will have the title and the section of the code which is referred to.

Mr. BARBOUR. Of course, this bill is only an annual appropriation bill.

Mr. LA GUARDIA. Exactly; but it is good parliamentary practice to have uniform references, and that is what we are trying to get.

Mr. BARBOUR. The citations are carried in this way all through the bill.

Mr. LA GUARDIA. I know that.

Mr. BARBOUR. They ought to be uniform.

Mr. LA GUARDIA. They ought to be uniform. I can correct them as far as we go to-day and I think to-morrow, by the time we take up the bill again, the gentleman ought to be prepared to have the clerk of the committee prepare them.

Mr. BARBOUR. The gentleman wants us to prepare them?

Mr. LA GUARDIA. I do not care who does it, but it is something that ought to be done.

Mr. BARBOUR. We might ask unanimous consent to have all the references uniform.

Mr. LA GUARDIA. That would be fine. I think if this amendment is approved of, if the chairman of the subcommittee would ask unanimous consent that where references to pages appear the title shall be inserted, then that can be done as a matter of mechanics.

Mr. BARBOUR. Yes.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BARBOUR. Mr. Chairman, I ask unanimous consent that in each place in the bill where the citation "U. S. C." appears the page references be stricken out and the proper title references be inserted, so that the citations will be uniform in the bill.

The CHAIRMAN. The gentleman from California asks unanimous consent that the same amendment may be made wherever this same language appears in the bill. Is there objection?

There was no objection.

The Clerk read as follows:

When specifically approved by the Secretary of War, transfers may be made between the appropriations in this act under the respective jurisdiction of any bureau, office, corps, or branch, in order to meet increases in compensation resulting from the reallocation by the Personnel Classification Board of positions under any such organization unit. Any such transfers shall be reported to Congress in the annual Budget.

Mr. O'CONNOR of Louisiana. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from California, Was this paragraph inserted to meet the situation created by the interpretation by the Comptroller General of the Welch Act?

Mr. BARBOUR. No; this is to take care of a situation that exists this year to which this bill applies. It is carried in all the appropriation bills this year.

Mr. O'CONNOR of Louisiana. The same phraseology was inserted in the preceding appropriation bills?

Mr. BARBOUR. Yes.

Mr. O'CONNOR of Louisiana. I understood in the colloquy between the chairman of one of the appropriation subcommittees and some Member of the House that the military bill would contain a paragraph that would tend to cure the situation that was brought about through the interpretation of the Welch Act.

Mr. BARBOUR. Not this bill. That matter has been considered, as I understand, by the Committee on Appropriations and will come in later in one of the appropriation bills. It is not in this bill.

Mr. O'CONNOR of Louisiana. Is it understood that some corrective language will be placed in an appropriation bill?

Mr. BARBOUR. That is my understanding. It was not intended to be in this bill.

Mr. O'CONNOR of Louisiana. I was told by some one in charge of an appropriation bill—I think it was the gentleman from Pennsylvania [Mr. SHREVE]—that later on the situation we all had in mind brought about by the interpretation or misinterpretation of the Welch Act would be corrected by some amendment by Mr. ANTHONY, and I thought it would be inserted in this bill.

Mr. BARBOUR. No; I understand that it will be in some appropriation bill that is to follow.

The pro forma amendment was withdrawn, and the Clerk read as follows:

GENERAL STAFF CORPS

CONTINGENCIES, MILITARY INTELLIGENCE DIVISION

For contingent expenses of the Military Intelligence Division, General Staff Corps, and of the military attachés at the United States embassies and legations abroad, including the purchase of law books, professional books of reference, and subscriptions to newspapers and periodicals; for cost of maintenance of students and attachés; for the hire of interpreters, special agents, and guides, and for such other purposes as the Secretary of War may deem proper, including \$5,000 for the actual and necessary expenses of officers of the Army on duty abroad for the purpose of observing operations of armies of foreign states at war, to be paid upon certificates of the Secretary of War that the expenditures were necessary for obtaining military information, \$55,000, to be expended under the direction of the Secretary of War: *Provided*, That section 3648, Revised Statutes, shall apply neither to subscriptions for foreign and professional newspapers and periodicals nor to other payments made from appropriations contained in this act in compliance with the laws of foreign countries under which the military attachés are required to operate.

Mr. LaGUARDIA. Mr. Chairman, I move to strike out the last word. This appropriation, I am sure, is intended by the committee to be used exclusively for the purpose of acquiring military intelligence in the strictest sense of the word. In other words, such as the preparation of armies in other countries, the movement of troops, fortifications, and information of an absolutely military value. It so happens that in the aftermath of the war the intelligence unit of the Army, and especially some of the reserve officers who were in that unit during the war, have taken upon themselves activities in prying into the private affairs and viewpoints of their fellow citizens. They have become the keepers, so to speak, of their brother's patriotism. Everyone's loyalty is measured by them by the volume of shouting for larger Army and bigger Navy. Most of these amateur sleuths—branding others as pacifists, because they seek to prevent another World War—got themselves in the intelligence unit and kept from being sent across, because they were too yellow themselves to get in any combatant branch of the Army.

We had a glaring instance of that in the incident related yesterday by the gentleman from Illinois [Mr. MORTON D. HULL]. A sergeant in the Military Intelligence Service made a complaint and filed an affidavit charging a Member of Congress with violating the franking privilege, when as a matter of fact, after careful investigation it was found that there was no foundation at all for any such charge. Members will recollect that the gentleman from Oklahoma [Mr. McCLINTIC] took the floor and exhibited a large number of envelopes that had been returned and opened them in our presence, and in not one of them was a single item that was not entitled to the franking privilege. This man knowingly committed perjury, and apparently is still in the service. He represents the type used to do this kind of work. We should know that this appropriation will be used under the strictest interpretation of the law, and that such interference, such extravagance and unnecessary activity in collecting and collating the viewpoint of citizens of this country does not come within the scope of the law or the appropriation.

Only recently, Mr. Chairman, some one in the War Department has tabulated a chart showing the membership in various organizations and churches, to show that there is an organized movement in this country against war. If there is an organized movement against war in this country, it is a wholesome thing, and it will be found that among the American citizens who are active in bringing about this idea for the prevention of war there are a great many who saw active service in the war. I am convinced that these diligent sleuths are in the pay of munition makers. I fail to see how the War Department can justify the use of public funds for such unlawful purposes. Anyone or any organization that goes on record or takes a stand or assumes an attitude for the prevention of war is immediately branded by these paid agents. That does not come within the scope of the appropriation providing for military intelligence, and I do hope that the committee in providing these funds will scrutinize the way in which they were spent, and also go into the employment and the duties and the services rendered by officers and men in the intelligence unit.

Mr. JAMES. Mr. Chairman, I rise in opposition to the pro forma amendment. On page 8 of the bill, commencing on line 5, we find the language:

Provided, That section 3648, Revised Statutes, shall apply neither to subscriptions to foreign and professional newspapers—

And so forth.

That language occurs in four or five places in the bill. I have never heard anybody yet object to that language. Why does not the chairman offer an amendment inserting the word "hereafter," so that there will be no necessity of putting it in each time?

Mr. LaGUARDIA. Oh, I would object to that. These are annual appropriations, and it is all right to go along in this way and, where an exception is necessary, it ought to be provided for.

The Clerk read as follows:

FINANCE DEPARTMENT

PAY, ETC., OF THE ARMY

For pay of officers of the line and staff, \$32,082,469; pay of warrant officers, \$2,053,872; aviation increase to commissioned and warrant officers of the Army, \$1,585,508; additional pay to officers for length of service, \$8,626,302; pay of enlisted men of the line and staff, not including the Philippine Scouts, \$51,410,547; aviation increase to enlisted men of the Army, \$528,210; pay of enlisted men of the Philippine Scouts, \$1,040,390; additional pay for length of service to enlisted men, \$3,049,453; pay of the officers on the retired list, \$7,749,121; increased pay to retired officers on active duty, \$168,650; pay of retired enlisted men, \$11,484,253; increased pay and allowances of retired enlisted men on active duty, \$6,152; pay of retired pay clerks, \$5,062; pay of retired veterinarians, \$1,785; pay of not to exceed 65 civil-service messengers at \$1,200 each at headquarters of the several Territorial departments, corps areas, Army and corps headquarters, Territorial districts, tactical divisions and brigades, service schools, camps, and ports of embarkation and debarkation, \$77,340; pay and allowances of contract surgeons, \$51,756; pay of nurses, \$850,660; pay of hospital matrons, \$600; rental allowances, including allowances for quarters for enlisted men on duty where public quarters are not available, \$6,611,033; subsistence allowances, \$5,881,205; interest on soldiers' deposits, \$75,000; payment of exchange by officers serving in foreign countries, and when specially authorized by the Secretary of War, by officers disbursing funds pertaining to the War Department, when serving in Alaska, and all foreign money received shall be charged to and paid out by disbursing officers of the Army at the legal valuation fixed by the Secretary of the Treasury, \$1,000; additional pay to officers below the grade of major required to be mounted and who furnish their own mounts, \$210,000; in all, \$133,550,368; and the money herein appropriated for "Pay, etc., of the Army" shall be accounted for as one fund: *Provided*, That the number of horses owned by any officer of the Army occasioning any public expense, including extra compensation, shall be reduced to one on July 1, 1929, and no appropriation contained in this act shall be available for any expense on account of a Government-owned horse used by any officer who has a privately owned mount occasioning public expense, including extra compensation, except in the case of an officer serving with troops whose privately owned mount may be sick or injured, and except in the case of an officer away from his regular post of duty: *Provided further*, That during the fiscal year 1930 the sum herein appropriated for pay of officers shall not be available for the pay of any persons initially appointed or commissioned in any of the promotion-list branches of the Regular Army after June 30, 1929, except (1) from graduates of the United States Military Academy, (2) from warrant officers and enlisted men of the Regular Army, and (3) persons appointed or commissioned in accordance with law in the Army Air Corps.

Mr. WAINWRIGHT. Mr. Chairman, I make the point of order against the provision, beginning in line 18 on page 11,

down to and inclusive of line 2 on page 12, upon the ground that this is legislation on an appropriation bill. It is in effect a repeal or an annulment of a positive provision of existing law, a positive statute passed in 1878, which provides that where officers are required to be mounted and provide their own horses, two may be maintained at public expense in case the officer is below the grade of general and three in the case of officers of the grade of general. This is a repeal of the present law.

Mr. BARBOUR. Mr. Chairman, the provision is clearly in order under the Holman rule, because it reduces the amount of the appropriation necessary for this item below what it would be if the language were stricken out. It is a limitation and a reduction in the appropriation.

Mr. WAINWRIGHT. Mr. Chairman, I do not profess to be an expert in parliamentary law, but I have understood that the Holman rule related to what would be in effect a new provision of law, which would limit an appropriation, that it would not cover the case of a positive repeal of an existing statute.

Mr. LAGUARDIA. If it reduces the appropriation, it would. Mr. BARBOUR. This is not a repeal. It relates simply to this appropriation bill, and is a reduction in the amount of money carried for this purpose. Therefore it is a reduction in the amount of the appropriation that would be necessary if this language were not in the bill.

Mr. GARRETT of Tennessee. Mr. Chairman, the gentleman from New York [Mr. LAGUARDIA] has just stated that if it reduces the appropriation it would be in order. I presume the gentleman has reference to the Holman rule. I do not think it would necessarily follow that it would be in order coming from this committee. Is it the sole contention that it is in order because it reduces the appropriation?

Mr. BARBOUR. The language objected to provides that the number of horses owned by any officer in the Army occasioning public expense, including extra compensation, shall be reduced to one on July 1, 1929—

and no appropriation contained in this act shall be available for any expense on account of a Government-owned horse used by any officer who has a privately owned mount occasioning public expense, including extra compensation, except in the case of an officer serving with troops whose privately owned mount may be sick or injured, and except in the case of an officer away from his regular post of duty.

The law itself provides that officers of different grades may have certain allowances for a certain number of horses privately owned.

Mr. WAINWRIGHT. Mounted officers.

Mr. BARBOUR. Of course. They are mounted officers. A general might have three.

Mr. COLLINS. Oh, they have some of these privately owned horses even in the Air Corps.

Mr. BARBOUR. A general might have three horses. He gets no allowance for that. No one above the grade of captain gets any allowance for his horse, but they do get forage and stabling. From and including a captain on down they are allowed \$150 per year for one horse, \$200 a year for two horses, and forage and stabling accommodations for two horses. The purpose of the language in the bill is to limit that allowance both in money and forage and stabling accommodations to one horse instead of two, and in some cases more, during the life of this bill. It reduces the monetary allowance by \$50 in the case of two horses, and it reduces the forage allowance about \$125 per year per horse, so that it is clearly a reduction in the appropriation and a limitation upon the expenditure of this money.

Mr. GARRETT of Tennessee. So far as I am concerned I have no objection to the legislation. But I am interested in it as a parliamentary question.

Mr. WAINWRIGHT. Mr. Chairman, my point is that this amendment in effect changes a provision of law which has been in effect now for 50 years, providing for the maintenance of horses for mounted officers. Of course it was for the purpose of encouraging officers to cultivate horsemanship.

The gentleman from Mississippi [Mr. COLLINS] attempted to inject a facetious element into the discussion. It is quite conceivable that officers in the Air Service might have to perform duties that would require them to be mounted. That does not seem to me to be in any way pertinent to the point. The point is this, that the provision provides—

That the number of horses owned by any officer of the Army occasioning any public expense, including extra compensation, shall be reduced to one on July 1, 1929.

Now there is a positive direction of law which is inconsistent with the law of 1878, and which in effect nullifies the statute of 1878. This provision is not necessarily confined to this appropriation bill, but it is for all time. I repeat the language:

Provided, That the number of horses owned by any officer of the Army occasioning any public expense, including extra compensation, shall be reduced to one on July 1, 1929.

There is a positive direction reducing the number of horses to be maintained at public expense which a mounted officer may have.

Mr. LAGUARDIA. No; it is not that. That refers to allowances he may have for the upkeep of the horse. This is a positive reduction in the number of horses he may have.

Mr. WAINWRIGHT. Not at all. The qualifying language comes afterwards. The language of the first clause of the paragraph is general in character, providing that the number of horses shall be reduced to one. Feeling as I do that this would be an extremely unfortunate change to make at this time, I am prepared for the ruling of the Chair, without further argument.

The CHAIRMAN. The gentleman from New York [Mr. WAINWRIGHT] is entirely right in his contention that the proviso against which he has made a point of order is legislation on an appropriation bill. This is the purpose of the language, and the only purpose to change existing law. The question is, Is it in order under our rules?

In order to come within the rules the present occupant of the chair thinks it must either come in under the Holman rule or as a limitation. The proviso in question can be divided into two separate and distinct propositions. The first is, "That the number of horses owned by any officer of the Army occasioning any public expense, including extra compensation, shall be reduced to one on July 1, 1929." This is one substantive proposition, reducing the number of horses for which an officer shall have compensation allowance; and the Chair thinks it clearly brings itself under the Holman rule because under the present law more than one horse occasioning public expense is allowed. If the provision has any effect at all, it causes a reduction in the number of horses, a corresponding reduction in the compensation allowed, and is therefore in order under the Holman rule.

The second proposition, beginning on line 21 on page 11, is that—

No appropriation contained in this act shall be available for any expense on account of a Government-owned horse used by any officer who has a privately owned mount occasioning public expense, including extra compensation, except in the case of an officer serving with troops whose privately owned mount may be sick or injured, and except in the case of an officer away from his regular post of duty.

This portion of the proviso is clearly a limitation. It simply places a limitation upon the expenditure of appropriations carried in this bill, saying, in effect, that no part of this appropriation shall be expended if it is to be used on account of a Government-owned horse by an officer who has a privately owned mount. The Chair thinks that this is a proper limitation from a parliamentary standpoint which the House has the right to place on any appropriation carried in a general appropriation bill. The Chair overrules the point of order.

Mr. WAINWRIGHT. Mr. Chairman, I now move to strike out the paragraph in question, namely, from the word "*Provided*," appearing on line 18 of page 11, down to and including line 2 of page 12.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WAINWRIGHT: Beginning on page 11, line 18, after the word "*Provided*," strike out the remainder of the page and down to and including line 2 on page 12.

The CHAIRMAN. The Chair will hear the gentleman from New York.

Mr. WAINWRIGHT. Mr. Chairman, I think the discussion on the point of order clearly indicates the purpose of the amendment. It seems to me that no good reason has been presented by the committee why the rule of allowance which has been in effect in the last 50 years in the Army should at this particular time be changed. Horsemanship and the encouragement of horsemanship are just as important considerations at this time as they were at that time. The main purpose, of course, was to encourage officers whose duties require them to be mounted to provide themselves with a suitable number of horses.

It would, of course, promote a much better service were mounted officers not restricted to one mount. It has always been the custom that a general commanding a division or a corps, or higher ranking generals of the Army, should have more than one mount.

I realize, of course, in this day when the motor has become of such general use, that there might be some little modification, possibly, of the necessity, but it seems to me that it is

important to-day that our officers should be encouraged to ride, so as to avoid the results of the sedentary life that comes from a too liberal use of motors, with all the advantages that come from the cultivation of horsemanship. Therefore I feel this provision should not be adopted and that this restriction should be eliminated. In any event it involves a very paltry amount of money, namely, \$40,000, in view of the consideration involved. I do not think we should deprive the mounted officers of the Army of this privilege afforded them by 50 years of usage and law, a privilege which they have enjoyed. I trust the amendment may be adopted.

Mr. BARBOUR. Mr. Chairman, this matter was gone into in the general statement on the bill and also in the discussion of the point of order. The sole purpose of the committee in bringing this language in is to reduce the amount of this appropriation. It is the opinion of the committee that we are not justified in spending the amount of money that has heretofore been expended.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken and the amendment was rejected.

Mr. O'CONNOR of Louisiana. Mr. Chairman, I move to strike out the last word. I have always been interested in Tommy Atkins and sort of commiserated with him in all his woes. Therefore I have a corresponding interest in the fellow who goes under the name of Bill Hart, or some other name, and occupies the position in our Army that Tommy Atkins occupies in the British Army. How many men are in the United States Army in accordance with the bill?

Mr. BARBOUR. The bill provides for an average strength of 118,750 enlisted men.

Mr. O'CONNOR of Louisiana. How many common soldiers, as they are called?

Mr. BARBOUR. They are enlisted men. None of our soldiers are common soldiers.

Mr. O'CONNOR of Louisiana. Well, the word "common" has a well-accepted meaning. I do not mean it in a sinister way or to reflect upon them at all, and the gentleman knows that. How many enlisted men are there? They are not common, of course, but the fellows at the bottom are treated by the Government, it appears to me, in a common or cheap way as regards pay.

Mr. BARBOUR. There are 118,750 enlisted men. There are 6,500 Philippine Scouts. They are in the Philippine Islands. Our soldiers are the best paid soldiers in the world.

Mr. O'CONNOR of Louisiana. How many officers are there?

Mr. BARBOUR. Twelve thousand officers are provided for in this bill, including the Air Corps.

Mr. O'CONNOR of Louisiana. What is the pay of enlisted men?

Mr. BARBOUR. There are several grades. They start in at what they call privates, seventh class, and then they work up through several grades and length of service classifications.

Mr. O'CONNOR of Louisiana. Let us get to the bottom ones.

Mr. BARBOUR. If the gentleman wants that, it is all set forth in detail in the hearings.

Mr. O'CONNOR of Louisiana. Can not the gentleman answer the question I have propounded?

Mr. BARBOUR. Yes, indeed. But I say it is all set forth in detail in the hearings, and if the gentleman will turn to page 139 he will find it all in detail.

Mr. O'CONNOR of Louisiana. Which reminds me of the fact that the Roman laws had to be promulgated and Caracalla set them up so high and in such fine print that nobody could see them or read them. [Laughter.]

Mr. BARBOUR. If the gentleman will listen, I will tell him what this is. An enlisted man of the first grade, with less than 4 years' service, gets \$126 per month; for over 4 years' service, \$132.30 per month; for over 8 years' service, \$138.60 per month; for over 12 years' service, \$144.90 per month; and on up to over 20 years' service, when he gets \$157.50 per month. That is an enlisted man, first grade. The grades and classes go down to the seventh grade, sixth class, and there are several grades and classes in between with different lengths of service.

Mr. O'CONNOR of Louisiana. Let us get to the mud sills—the foundation.

Mr. BARBOUR. A private of the seventh grade, sixth class, with less than 4 years' service, gets \$24 a month, and that ranges up to \$29.25 a month for over 20 years' service. Then there are a large number of grades and lengths of service in between that and the first grade, which is the highest.

Mr. O'CONNOR of Louisiana. Is \$24 the lowest pay?

Mr. BARBOUR. Yes.

Mr. O'CONNOR of Louisiana. I understood it was between \$15 and \$18.

Mr. BARBOUR. No. According to the information furnished to the committee it is \$24 a month.

Mr. O'CONNOR of Louisiana. Let me ask the chairman this question in all sincerity: Do you believe you are going to make the American Army a place where American youth, ambitious, but without any prestige behind them and without any influence to find its way up through military channels, will enlist under those circumstances—that is, start as an enlisted man at \$24 per month, with \$29 as the ultima Thule?

Mr. BARBOUR. The highest pay for an enlisted man is \$157.50 per month. They are having no difficulty in getting all the enlistments the Army requires, and the enlisted men receive much more than their pay in the way of subsistence, quarters, clothing, medical care, and many other things.

Mr. O'CONNOR of Louisiana. What is the percentage of desertions?

Mr. BARBOUR. It is all set out in the hearings, but it is something like 5 per cent. Does the gentleman want me to read the hearings to him?

Mr. O'CONNOR of Louisiana. No.

Mr. BARBOUR. There are over 1,600 printed pages.

Mr. O'CONNOR of Louisiana. If the gentleman is not prepared to answer the question that is all right, and I can understand there are difficulties in the way.

Mr. BARBOUR. I shall be glad to answer any question the gentleman may propound, but the gentleman can find all this in the hearings without taking up the time of the House.

Mr. O'CONNOR of Louisiana. That may be all right if the committee wants to be so expeditious about putting this bill through.

Mr. BARBOUR. No; we will try to give everybody all the time they want to discuss it.

Mr. O'CONNOR of Louisiana. I thought the gentleman and his committee wanted discussion of these matters and invited such discussion. I thought that was the purpose of our consideration of the bill.

Mr. BARBOUR. That is true, and I am telling the gentleman where he can find the information without taking up the time of the Committee of the Whole.

Mr. O'CONNOR of Louisiana. There has not been so much time taken up. The Senate will probably take a month to consider this bill if it so desires.

Mr. BARBOUR. The gentleman asked a question that requires one-half page of fine print to answer and I have referred the gentleman to the page where he can get the information and he has objected to that method of getting the information.

Mr. O'CONNOR of Louisiana. I hope the gentleman is not incensed at an inquiry on the part of one of the Members of this House.

Mr. BARBOUR. Not at all.

Mr. O'CONNOR of Louisiana. It looks to me like the major part of our military and naval appropriations are for the big fish and very little for the enlisted men or, as they are sometimes called by way of description and not derogatively, "common soldiers" and "common seamen." Twenty-four dollars per month is not an attractive amount to any American youth no matter how eager he may be to join the Army. For an opulent country like ours it is not a creditable attitude. There are so many other avenues opened up to a boy of spirit, where the pay is sufficiently high, that he will forego his natural bent to attach himself to the military service of his country, and will, though reluctantly, cast his lot with some civilian occupation. That is one of the reasons why our Regular Army causes many of us to think of the celebrated musical comedy, the Milk White Flag, by the famous Hoyt, the purpose of which was to show that the only reason for the existence of the poor soldiers of the awkward squad was to excuse or justify the large number of officers, whose duties were largely social and whose rank made them attractive.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

The pro forma amendment was withdrawn.

Mr. LAGUARDIA. Mr. Chairman, I ask unanimous consent that we may return to this section when the bill is again taken up in committee for consideration in order not to delay matters. I understand it is the purpose to adjourn very soon.

Mr. BARBOUR. For what purpose does the gentleman make the request?

Mr. LAGUARDIA. I have an amendment which I am sure the gentleman will not agree to, and, judging from the present temper of the committee with the very small attendance, I do not think I would get many votes for my amendment.

Mr. BARBOUR. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 15712, the War Department appropriation bill, had come to no resolution thereon.

LIABILITY OF OWNERS OF VESSELS

Mr. WHITE of Maine. Mr. Speaker, I ask unanimous consent that the bill (H. R. 14483) fixing the liability of owners of vessels, which was referred to the Committee on Interstate and Foreign Commerce, may be rereferred to the Committee on the Merchant Marine and Fisheries, and I may say I do this after consultation with the chairman of the Committee on Interstate and Foreign Commerce and with his concurrence.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Maine asks unanimous consent that this bill may be rereferred from the Committee on Interstate and Foreign Commerce to the Committee on the Merchant Marine and Fisheries. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, is it agreed that the bill properly belongs to that committee?

The SPEAKER. The Chair will state that at the time the Chair referred the bill he thought it was a very close question. He has been informed by the chairman of the Merchant Marine and Fisheries Committee and the chairman of the Committee on Interstate and Foreign Commerce that this rereference is satisfactory.

Mr. GARRETT of Tennessee. I have no objection.

The SPEAKER. Is there objection?

There was no objection.

NEW YEAR'S GREETINGS

Mr. COLLINS. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the RECORD a speech delivered New Year's Day by the gentleman from Florida [Mr. GREEN].

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. COLLINS. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I insert the following New Year's greetings to the American people from Congressman ROBERT ALEXIS GREEN of the second district of Florida over radio station WJSV, Washington, D. C., made January 1, 1929:

I rejoice with the people of America in the happiness and brightness of the new year. Our Nation is at peace with the world. There is nothing more worthy than that of being a plain American citizen, because America is, in my opinion, the greatest of all nations, offering freedom, prosperity, opportunity, and equality to each and every one of its citizens. It leads in scientific, economical, industrial, moral, and social development. No more cosmopolitan or noble citizenship among the rank and file is to be found anywhere.

In extending my greetings to the American citizen I admonish them to preserve and conserve our Nation's natural resources; to exercise economy and avoid waste in domestic and public life; to exercise frugality, honesty, and thrift; to abide by the laws of the respective States and the Nation; to uphold and support constituted authority; better educate the youth of the land; and at all times bear in mind that ultimate happiness is permanently realized only through moral and spiritual excellency.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to Mr. O'CONNOR of New York, indefinitely, on account of illness.

ADJOURNMENT

Mr. BARBOUR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 6 minutes p. m.) the House adjourned until to-morrow, Saturday, January 5, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, January 5, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

Independent offices appropriation bill.

District of Columbia appropriation bill.

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

Favoring the ratification by the United States Senate of the Kellogg peace pact (H. Res. 264).

COMMITTEE ON THE PUBLIC LANDS

(10 a. m.)

A hearing before the special joint committee investigating the Northern Pacific land grants.

COMMITTEE ON WAYS AND MEANS

(11 a. m.)

Authorizing the President, under certain conditions, to invite the participation of other nations in the Chicago World's Fair, providing for the admission of their exhibits, and for other purposes (H. J. Res. 365).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

723. A letter from the President of the Chesapeake & Potomac Telephone Co., transmitting report of the Chesapeake & Potomac Telephone Co. to the Congress of the United States for the year 1928; to the Committee on the District of Columbia.

724. A letter from the Acting Secretary of Commerce, transmitting draft of a bill to improve the efficiency of the Lighthouse Service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ANTHONY: Committee on Appropriations. H. R. 15848. A bill making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes; without amendment (Rept. No. 2006). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Washington: Committee on Irrigation and Reclamation. S. 1462. An act providing for the necessary surveys, studies, investigations, and engineering of the Columbia Basin reclamation project, and for other purposes; with amendment (Rept. No. 2008). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mrs. KAHN: Committee on Military Affairs. H. R. 11963. A bill for the relief of Leo B. Thome; without amendment (Rept. No. 2007). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 15848) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. BEERS: A bill (H. R. 15849) authorizing Richard H. Klein, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Susquehanna River at or near the borough of Liverpool, Perry County, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER: A bill (H. R. 15850) for the construction of a bridge by the Bainbridge Island Chamber of Commerce across Agate Pass adjoining Bainbridge Island with the mainland in Kitsap County, State of Washington; to the Committee on Interstate and Foreign Commerce.

By Mr. STRONG of Pennsylvania: A bill (H. R. 15851) to extend the times for commencing and completing the construction of a bridge across the Allegheny River at Kittanning, in the county of Armstrong, in the State of Pennsylvania; to the Committee on Interstate and Foreign Commerce.

By Mr. BRITTEN: A bill (H. R. 15852) to regulate the minimum age limit for enlistments in the Naval Reserve or Marine Corps Reserve; to the Committee on Naval Affairs.

By Mr. CELLER: A bill (H. R. 15853) to amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928; to the Committee on the Civil Service.

By Mr. ELLIOTT: A bill (H. R. 15854) to provide for the sale of the old post office and courthouse building and site at

Syracuse, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. McSWAIN: A bill (H. R. 15855) to amend section 311 of the World War veterans act; to the Committee on World War Veterans' Legislation.

By Mr. BEGG: A bill (H. R. 15856) granting the consent of Congress to the Cedar Point Bridge Co., a corporation organized under the laws of Ohio, of Sandusky, Erie County, Ohio, to construct a bridge across Sandusky Bay in the city of Sandusky, Erie County, Ohio; to the Committee on Interstate and Foreign Commerce.

By Mr. GAMBRILL: A bill (H. R. 15857) to provide for the improving of the Waterloo, Jessup, Odenton, and Millersville Highway, connecting the Washington and Baltimore Boulevard with the Crain Highway; to the Committee on Roads.

By Mr. GREEN: A bill (H. R. 15858) to provide for the payment of compensation to the dependents of World War veterans in certain cases; to the Committee on World War Veterans' Legislation.

By Mr. HILL of Washington: A bill (H. R. 15859) to provide for delivery of certain mail matter upon a date specified by sender; to the Committee on the Post Office and Post Roads.

By Mr. GRAHAM: A bill (H. R. 15860) to authorize and require the delivery to the War Department of arms and munitions of war condemned under section 241, title 22, of the United States Code; to the Committee on the Judiciary.

By Mr. VINSON of Georgia: A bill (H. R. 15861) to amend section 5 of an act approved March 2, 1919, known as the war minerals act; to the Committee on Mines and Mining.

By Mr. RANKIN: Joint resolution (H. J. Res. 369) to authorize the erection of a marker to commemorate the poem, The Blue and the Gray, and the event which inspired its composition; to the Committee on the Library.

By Mr. CRISP: Joint resolution (H. J. Res. 370) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes; to the Committee on Military Affairs.

By Mr. CASEY: Resolution (H. Res. 282) to pay Paul L. Miller, son of William H. Miller, late an employee of the House, an amount equal to six months of his compensation and an additional \$250 for funeral expenses; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 15862) granting an increase of pension to Sophia P. Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15863) granting an increase of pension to Sarah A. Matlock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15864) granting an increase of pension to Rachel A. Yates; to the Committee on Invalid Pensions.

By Mr. BACHARACH: A bill (H. R. 15865) granting an increase of pension to Catherine Piper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15866) granting an increase of pension to Alwilda Charlton; to the Committee on Invalid Pensions.

By Mr. BLOOM: A bill (H. R. 15867) for the relief of David Schwartz; to the Committee on Naval Affairs.

Also, a bill (H. R. 15868) granting a pension to Catherine Lahey; to the Committee on Pensions.

By Mr. CELLER: A bill (H. R. 15869) for the relief of the heirs of Jacob Gussin; to the Committee on Claims.

By Mr. DARROW: A bill (H. R. 15870) granting an increase of pension to Lillian Mae Yurasko; to the Committee on Pensions.

By Mr. DYER: A bill (H. R. 15871) granting an increase of pension to Josephine Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15872) granting an increase of pension to Johanna Moss; to the Committee on Pensions.

By Mr. EATON: A bill (H. R. 15873) granting an increase of pension to Catherine Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15874) granting an increase of pension to Emma T. Vandewater; to the Committee on Invalid Pensions.

By Mr. EVANS of Montana: A bill (H. R. 15875) granting a pension to James A. Chaffin; to the Committee on Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 15876) granting a pension to Carrie Russell Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15877) granting a pension to John Sherman Corwin; to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 15878) for the relief of Charles F. Schaber; to the Committee on Claims.

By Mr. GAMBRILL: A bill (H. R. 15879) granting a pension to Joseph C. Neihemer; to the Committee on Pensions.

By Mr. GRIEST: A bill (H. R. 15880) granting a pension to William Hinkle; to the Committee on Invalid Pensions.

By Mr. HOCH: A bill (H. R. 15881) granting an increase of pension to Delia Diehl; to the Committee on Invalid Pensions.

By Mr. IGOE: A bill (H. R. 15882) for the relief of Earl D. Barkly; to the Committee on Claims.

By Mr. JENKINS: A bill (H. R. 15883) granting a pension to Margaret Ralston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15884) granting a pension to Ella M. Barton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15885) granting a pension to Lucy C. Montgomery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15886) granting a pension to Alice Adams; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 15887) granting an increase of pension to Thomas M. Stroud; to the Committee on Pensions.

By Mrs. KAHN: A bill (H. R. 15888) for the relief of Charles Trudell; to the Committee on Claims.

By Mr. KORELL: A bill (H. R. 15889) granting a pension to Sophia A. Beers; to the Committee on Pensions.

By Mr. KVALE: A bill (H. R. 15890) for the relief of Donald Alexander Peterson; to the Committee on Naval Affairs.

By Mr. LEA: A bill (H. R. 15891) granting a pension to Jennie Lynn Sprague; to the Committee on Invalid Pensions.

By Mr. MANSFIELD: A bill (H. R. 15892) for the relief of hay growers in Brazoria, Galveston, and Harris Counties, Tex.; to the Committee on Claims.

By Mr. MORROW: A bill (H. R. 15893) authorizing surveys and investigations to determine the best methods and means of utilizing the waters of the Cimarron River system and its tributaries in southwestern Colfax County, N. Mex.; to the Committee on Irrigation and Reclamation.

By Mr. O'BRIEN: A bill (H. R. 15894) granting a pension to Elizabeth Simons; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 15895) granting an increase of pension to Carrie B. Davis; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 15896) granting a pension to Peter T. Keeney; to the Committee on Pensions.

Also, a bill (H. R. 15897) granting a pension to Mary L. Skidmore; to the Committee on Pensions.

Also, a bill (H. R. 15898) granting a pension to Charity Burns; to the Committee on Invalid Pensions.

By Mrs. ROGERS: A bill (H. R. 15899) granting an increase of pension to Sarah A. Byam; to the Committee on Pensions.

Also, a bill (H. R. 15900) for the relief of Charles H. Young; to the Committee on War Claims.

By Mr. SCHAFER: A bill (H. R. 15901) for the relief of George W. Hayden; to the Committee on Claims.

Also, a bill (H. R. 15902) for the relief of Vincent Baranasies; to the Committee on Claims.

Also, a bill (H. R. 15903) for the relief of Touma Tamexian; to the Committee on Military Affairs.

Also, a bill (H. R. 15904) granting a pension to George Stovall Mitchell; to the Committee on Pensions.

By Mr. SELVIG: A bill (H. R. 15905) granting a retirement annuity to G. G. Laugen; to the Committee on the Civil Service.

By Mr. SHREVE: A bill (H. R. 15906) granting a pension to Ida A. Graham; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 15907) granting a pension to Charles R. Reist; to the Committee on Pensions.

By Mr. SUMMERS of Washington: A bill (H. R. 15908) granting a pension to Asbury B. Richman; to the Committee on Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 15909) for the relief of the Williams Seed & Coal Co.; to the Committee on Claims.

By Mr. THOMPSON: A bill (H. R. 15910) granting a pension to Margaret Harrold; to the Committee on Pensions.

By Mr. VINCENT of Iowa: A bill (H. R. 15911) for the relief of Anthony Wade; to the Committee on Claims.

By Mr. WARE: A bill (H. R. 15912) granting an increase of pension to Margaret B. Winer; to the Committee on Invalid Pensions.

By Mr. WELCH of California: A bill (H. R. 15913) granting a pension to Thomas J. Coogan; to the Committee on Pensions.

By Mr. WYANT: A bill (H. R. 15914) for the relief of John T. Painter; to the Committee on Claims.

By Mr. YON: A bill (H. R. 15915) granting a pension to Mary A. Clarke; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8135. Petition of the Democratic State central committee of the State of Arkansas, on the death of Hon. W. A. Oldfield, late a Representative from the second district of Arkansas; to the Committee on the Library.

8136. Petition of the board of supervisors, city and county of San Francisco, concerning the titles of certain lands in said county; to the Committee on Military Affairs.

8137. Claim of Claib L. Cook, sr., of Pekin, Ill., for damages done to certain lands and crops belonging to him during his ownership and tenancy thereof, i. e., during the years of 1920, 1922, and 1924; to the Committee on Claims.

8138. By Mr. CULLEN: Petition of National Lumber Manufacturers Association, requesting that the scope of any legislative enactment which will, under suitable safeguards, permit control of production in the coal and oil industries, be extended to include also forest products; to the Committee on Interstate and Foreign Commerce.

8139. Also, petition of E. F. Drew & Co. (Inc.), protesting against the consideration of the Haugen bill (H. R. 10958); to the Committee on Agriculture.

8140. Also, petition of the Guaranty Co., of New York City, N. Y., requesting additional appropriations to Postmaster General to enforce the postal fraud laws; to the Committee on the Post Office and Post Roads.

8141. Also, petition of the Medical Society of the County of Kings, N. Y., opposing the passage of the Newton bill (H. R. 14070); to the Committee on Interstate and Foreign Commerce.

8142. Also, petition of American Petroleum Institute, recommending that Congress study the requirements of Federal bureaus engaged in research work on petroleum problems and provide adequate funds to be used by these bureaus; to the Committee on Interstate and Foreign Commerce.

8143. By Mr. EVANS of California: Petition of John J. Dunn and 22 others, against compulsory Sunday observance; to the Committee on the District of Columbia.

8144. By Mr. GARBER: Petition of the New York State Chamber of Commerce, indorsing House bill 11886 and Senate bill 3721, to establish the office of captain of the port of New York and to define his duties; to the Committee on Interstate and Foreign Commerce.

8145. By Mr. HOCH: Petition of residents of Coffey County, Kans., protesting against House bill 78, and all compulsory Sunday observance legislation; to the Committee on the District of Columbia.

8146. By Mr. McFADDEN: Resolution favoring an upward revision of the existing tariff law, signed by Joseph W. Grundy, president, and H. W. Moore, secretary, of the Pennsylvania Manufacturers' Association; to the Committee on Ways and Means.

8147. By Mr. O'CONNELL: Petition of the Chamber of Commerce of the State of New York, favoring appropriations for New York Harbor and vicinity for the deepening and widening of existing channels; to the Committee on Rivers and Harbors.

8148. Also, petition of the National Lumber Manufacturers' Association, Washington, D. C., favoring legislation to include the control of lumber; to the Committee on Interstate and Foreign Commerce.

8149. Also, petition of the Chamber of Commerce of the State of New York, favoring the building of the 15 cruisers; to the Committee on Naval Affairs.

8150. Also, petition of the manufacturers' conference on prison industries, New York City, favoring the passage of House bill 7729, convict labor bill, with Senate amendments; to the Committee on Labor.

8151. By Mr. PEAVER: Opposition of the Commercial Club at Phillips, Wis., to the adoption of the Robinson bill, concerning the Pullman surcharge rates; to the Committee on Interstate and Foreign Commerce.

8152. Also, petition of Park Falls Commercial Club, in opposition to the bill affecting the Pullman surcharge rate as introduced by Senator ROBINSON of Arkansas; to the Committee on Interstate and Foreign Commerce.

8153. By Mr. SANDERS of Texas: Petition of the W. A. Nabors Fruit Co., urging a tariff on turkeys and on all farm products of this country which have to meet foreign competition; to the Committee on Ways and Means.

8154. Also, petition of Woldert Peanut Products Co., urging increase of tariff on peanuts and peanut oil; to the Committee on Ways and Means.

8155. By Mr. TEMPLE: Petition of Tylerdale Woman's Christian Temperance Union, of Washington, Pa.; Woman's Christian Temperance Union, of Donora, Pa.; and Woman's Christian Temperance Union, of Charleroi, Pa., in support of the Lankford Sunday rest bill (H. R. 78); to the Committee on the District of Columbia.